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JOINT MEETING OF THE
ATLANTIC HIGHLY MIGRATORY SPECIES
AND BILL FISH ADVISORY PANELS

JOINT MEETING

April 1-3, 2002

at

Holiday Inn
Silver Springs, Maryland

(Morning session)

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1 8:43 a.m.

2 CLARIFICATION OF STATE VERSUS FEDERAL REGULATIONS

3 MODERATOR CHRISTOPHER ROGERS: Good
4 morning, all. I'm glad that you survived the tire
5 burning here in Maryland over the championship game.
6 Hope it didn't spill over from College Park into
7 downtown Silver Spring.

8 We had made an adjustment to the
9 agenda to have a brief discussion of state/federal
10 issues this morning, and I think it does need to be
11 brief, because there's not much we can really do
12 about it this morning, but I just explained to
13 explain the situation.

14 There are two provisions under our
15 operative legislation, one being the Magnuson Act
16 obviously for preemption. It's a process whereby
17 the Secretary needs to determine that a fishery is
18 predominantly prosecuted in federal waters and
19 there's a federal plan in place and that actions
20 taken in state waters are either affording or
21 preventing the effects intended by the federal
22 management plan and therefore the jurisdiction of a
23 state needs to be preempted to further the purposes
24 of the federal plan.

1 ATCA is a little bit different.

2 Under Atlantic Tunas Convention Act, because of the
3 need for the states to act in unison, so to speak,
4 as a country in face of the international situation
5 that were are negotiating management recommendations
6 on an international basis as a treaty obligation
7 that binds the nation as a whole, there is a
8 provision in the Atlantic Tunas Convention Act that
9 any federal regulations implementing an ICCAT
10 recommendation can apply in state waters if
11 necessary to make good on the U.S.'s international
12 treaty obligation.

13 However, if a state has a regulation
14 that is deemed to be at least as restrictive --
15 that's the language that's used, at least as
16 restrictive and effectively enforced, then the state
17 regulation would apply as opposed to the federal
18 regulation. So, that is a determination that can be
19 made by the Secretary and the Secretary must then,
20 if so requested, afford a hearing to the individuals
21 affected within that state or the states that might
22 fish within that state's borders or waters, so that
23 the public can be heard regarding that.

24 We had done that initially with

1 bluefin tuna right after the Act was passed,
2 Atlantic Tunas Convention Act back in '75. In fact,
3 Congress gave immediate authority with respect to
4 bluefin tuna for one year, because of the ICCAT
5 meeting cycle and the fact that a recommendation had
6 just been approved at the international commission
7 level with respect to bluefin tuna, I believe the
8 minimum size.

9 But the intent was for the Secretary
10 to undertake a continuing review of state
11 regulations and to make those determinations as to
12 the effectiveness. Are they at least as restrictive
13 and effectively enforced. We have done that most
14 recently with respect to the Maryland landing tag
15 program for bluefin tuna that we had implemented as
16 a federal regulation a requirement for either
17 reporting over the telephone or over the Internet,
18 and we determined that the Maryland tagging program
19 as a state regulation more than met the needs of the
20 information collection for logging in those bluefin
21 tuna landed in the recreational fishery.

22 So, we made a determination that that
23 state regulation was at least as restrictive and
24 effectively enforced, thereby releasing Maryland

1 anglers or any angler landing of bluefin tuna in
2 Maryland under the recreational quota from the need
3 to report through the federal system.

4 Similar situation in North Carolina
5 except that we sort of tweaked our own federal
6 regulation to it to account for that, because at the
7 time they didn't have a state regulation, they
8 needed a little bit more of a process, as I
9 understand, working through their Marine Fisheries
10 Commission.

11 But recently, and I believe this was
12 why Mr. Ansley raised the issue yesterday is we had
13 some questions about more restrictive regulations in
14 state waters. And there is a concern there as to
15 how it might conflict with a less restrictive
16 federal regulation. Specifically the question arose
17 about billfish, that if a state wanted to require
18 that it be catch and release fishing only within
19 their state waters and that no billfish be landed in
20 that state because of their state regulation on
21 catch and release fishing, would that preclude
22 anybody taking a billfish from federal waters
23 legally under the federal regulation from landing in
24 that state. And that is a more complicated legal

1 issue than I think we can afford the time this
2 morning to discuss.

3 But what we really need to do is
4 fulfill our obligation, meaning the National Marine
5 Fisheries Service, under the law, Atlantic Tunas
6 Convention Act, do the continuing review of state
7 regulations. Something that we've tried to do in
8 fits and starts over the last several years. And it
9 is a big undertaking.

10 I noted recently, for those folks who
11 follow it, there's an HMS plan that's just been
12 released in draft and is being debated by the
13 Pacific Council for Atlantic Highly Migratory --
14 excuse me, not Atlantic, Pacific Highly Migratory
15 Species, California, Oregon and Washington. And
16 they had about a 40-page appendix to their plan,
17 which was a summary of the state regulations
18 applicable to Highly Migratory Species in
19 California, Oregon and Washington.

20 And I think that's what it's going to
21 take, but it's probably going to take maybe -- at
22 least twice as many pages, because we have more than
23 twice as many states. But that's something that we
24 need to do, is to work closely with the states and

1 figure out exactly what regulations might apply to
2 Atlantic Highly Migratory Species and make those
3 determinations as to whether they are at least as
4 restrictive and effectively enforced.

5 In cases where they are congruent, so
6 to speak, then that's great. In cases where the
7 states want to be more restrictive, then we may have
8 to work out some ways of accomplishing what the
9 state's goals are without conflicting with the
10 federal program.

11 Just as an example, it might require
12 that if a state had an outright prohibition on
13 landings, let's say bluefin tuna or billfish or
14 something like that, that there be some
15 documentation aboard the vessel or some hailing
16 requirement to demonstrate that the fish was
17 actually taken in federal waters prior to entering
18 state waters or something like that.

19 But again, these are complicated
20 legal issues and we'll look forward to a review of
21 state regulations. Hopefully we can accomplish
22 something on that this year. And see what we can do
23 for those states that are interested in pursuing
24 some management options on their own. Henry.

1 HENRY ANSLEY: Great, thank you. I
2 just wanted to follow up on that. I understand it
3 probably is, you know, we have to take extensive
4 review, but aren't there several plans -- I mean,
5 maybe a lot of them are under Magnuson -- where
6 states do have more restrictive regulations already
7 in place then what's in the federal waters?

8 And I was wondering -- and I may be
9 wrong on this, but Florida, doesn't it have a one
10 sailfish regulation? Isn't that more restrictive
11 than the federal?

12 MODERATOR CHRISTOPHER ROGERS: Well,
13 yeah, and again it depends certainly whether it is
14 managed under Magnuson alone or Atlantic Tunas Act,
15 as well.

16 Of course, our HMS plan with respect
17 to tuna, swordfish and billfish has a joint
18 authority under Magnuson and Atlantic Tunas
19 Convention Act, and it depends on -- I guess you
20 could say the derivation of a particular regulation.
21 Was it derived because of an ICCAT recommendation,
22 therefore, has the -- I guess you could say the
23 power and authority of Atlantic Tunas Convention Act
24 or it was primarily a domestic matter, management

1 matter, developed under the authority of Magnuson-
2 Stevens Act.

3 In certain situations like that, it
4 might not be in direct conflict; in other words,
5 that the federal plan would not have a multiple -- a
6 restriction on multiple landings of let's say
7 sailfish. But if the state regulation does, there
8 might be something that we could accommodate.

9 Again, it's a little bit tricky
10 figuring out how the activity that occurs in federal
11 waters is or is not in conflict with the activity
12 that the state wants to regulate. My understanding
13 is sailfish can quite commonly be caught within
14 waters of the State of Florida. So, that is a
15 situation that is a little bit more overlap than
16 something where it's a rare event, so to speak, when
17 a particular species managed under Atlantic Tunas
18 Convention Act would be caught within the waters of
19 a state.

20 So, again, what we need to do is
21 undertake this comprehensive review, see where we're
22 working in concert, see where we're working in
23 conflict, and see how we can resolve those
24 conflicts. And again, it does require a hearing in

1 a state if the state feels they are being -- that
2 the state program would be undermined by applying
3 the federal regulation. Russ. Russ Nelson, Glenn
4 and then Wayne Lee and Randy Blankenship.

5 RUSSELL NELSON: I can recall when
6 the gentleman on your right, Chris, had no end of a
7 good solid advice about the relationship between
8 state and federal regulations.

9 In the case of the billfish plan, it
10 was somewhat different, Chris. It did at its
11 inception apply to the shoreline, and it legally
12 did, I guess, because none of the states objected to
13 it after it was developed. When that plan was
14 passed in '88, the State of Florida, as Henry has
15 mentioned, already had regulations that prohibited
16 the sale of billfish and did not have minimum sizes
17 but did have a bag limit, one per species per day.

18 As I recall, when the plan went in
19 place, the State of Florida queried NOAA General
20 Counsel's office and at that point they were told
21 that they could, that their regulations would apply
22 jointly with the federal regulations. Any fish
23 taken and brought into Florida could be -- you would
24 have to land under the bag limit as well as under

1 the federal size limit. But the plan was different,
2 because it did, as opposed to most Magnuson-Stevens
3 plans, apply to the shoreline.

4 MODERATOR CHRISTOPHER ROGERS: Again,
5 at that time, since there was no binding ICCAT
6 recommendation with respect to billfish, that it was
7 -- that plan was implemented solely under Magnuson-
8 Stevens prior to being called Magnuson-Stevens but
9 certainly the Magnuson Act was the driving force for
10 that.

11 Again, it really pertains to where
12 the particular regulation was derived and under
13 which authority, and whether or not the treaty
14 obligations of the United States might be undermined
15 by a potential conflict. Glenn Delaney.

16 GLENN DELANEY: Actually, those last
17 few words were what I was trying to -- going to try
18 to draw out of you. Certainly we cannot have a
19 situation where states could be in a position
20 individually and collectively to do something that
21 is inconsistent with something that we have agreed
22 to at ICCAT internationally. That's what I -- and
23 you just said that, so I appreciate that. That's a
24 really unusual twist on this that I hadn't really

1 been confronted with.

2 And I assume, Jack, that the Atlantic
3 States must have some information about the state --
4 HMS --

5 JOHN DUNNIGAN: In its good wisdom,
6 the Atlantic States Marine Fisheries Commission --

7 GLENN DELANEY: Has completely stayed
8 away --

9 JOHN DUNNIGAN: -- doesn't deal with
10 Atlantic Highly Migratory Species.

11 MODERATOR CHRISTOPHER ROGERS:
12 Actually, that was one of the problems we
13 encountered. Not trying to criticize the states in
14 any way, but when we were initially trying to make
15 some contacts with some of the state agencies with
16 respect to what regulations might apply. You know,
17 certainly there might be situations where
18 regulations are not specific to Atlantic Highly
19 Migratory Species, but yet they would apply to those
20 same fisheries because they're a broadly applicable
21 regulation.

22 But a lot of our initial calls were
23 well, why are you calling us? You guys deal with
24 Atlantic Highly Migratory Species, you know? So, in

1 some cases it was even hard to try to find somebody
2 within a state organization who was familiar enough
3 with the Highly Migratory Species, because it was a
4 sense of deferment to the Secretary.

5 GLENN DELANEY: The last thing I'll
6 just say then is that the Magnuson Act -- what is
7 it, 304G, is that Highly Migratory -- who knows
8 their Magnuson Act -- provides a fair amount of
9 guidance as to the implementation of ICCAT
10 recommendations, and the Secretary's
11 responsibilities. And certainly one of those -- one
12 of the themes in that section is to provide U.S.
13 fishermen with a reasonable opportunity to catch
14 fish that are authorized to be caught by American
15 fishermen by ICCAT.

16 And so I think you need to also
17 measure to what extent state restrictions could
18 conflict with that overall notion, even though, for
19 example, there may not be a specific ICCAT quota for
20 sailfish, for example, the presumption is,
21 therefore, that American fishermen can catch
22 sailfish. And restrictions that conflict with a
23 reasonable opportunity have access to that ICCAT
24 unregulated resource would conflict with ICCAT, in

1 my opinion. So, I'm just using sailfish as an
2 example. So, that's a really touchy area.

3 JOHN DUNNIGAN: A nice legal issue.
4 We'll have a lot of fun working on it someday. But
5 the states clearly on the Atlantic coast have a
6 major interest in Atlantic Highly Migratory Species.
7 You can tell that by the way that they participate
8 with you here at the Advisory Panel. The Commission
9 does not represent the states on those issues,
10 though.

11 MODERATOR CHRISTOPHER ROGERS: Okay.
12 We had Wayne Lee, Randy Blankenship, and then Dave
13 Wilmot. And again, my hope was not to have a
14 lengthy debate of what if's with all the potential
15 conflicts, because what we do need to do is have a
16 comprehensive document before us on the state
17 regulations.

18 WAYNE LEE: Chris, thank you. This
19 also applies to the Georgia situation, and my
20 question is what does it take for Georgia to trigger
21 this review process with you all? That's one of the
22 reasons that Susan Shipman was interested in. How
23 do they get this going?

24 MODERATOR CHRISTOPHER ROGERS: Well,

1 actually, the Act puts an onus on us, the Secretary,
2 in terms of managing Highly Migratory Species. The
3 Atlantic Tunas Convention Act states that the
4 Secretary shall undertake a continuing review of
5 state regulations and assess whether or not they are
6 at least as restrictive and effectively enforced.

7 So, it doesn't take a conflicting
8 state action to trigger a response, so to speak. We
9 should be working continually in concert with the
10 states so that we are both apprised of not only the
11 international management goals, but also a state's
12 interest in these matters.

13 WAYNE LEE: Well, then should the
14 state, if they have a bill that they're working on,
15 submit that to you all or come to you all for
16 guidance on that?

17 MODERATOR CHRISTOPHER ROGERS: It
18 certainly would be helpful, because we can't always
19 know when action is being taken at the state level.

20 JOHN DUNNIGAN: You can write me a
21 letter. I'd be glad to respond.

22 WAYNE LEE: Thank you.

23 MODERATOR CHRISTOPHER ROGERS: Okay.

24 Randy.

1 RANDY BLANKENSHIP: This is kind of
2 FYI along those lines. I'll give you a heads-up on
3 something happening in Texas. There's a proposal
4 right now before the Parks and Wildlife Commission
5 for a new rule that would make any -- require that
6 any fish landed in Texas would meet Texas bag and
7 size limits, except for those fisheries managed
8 under a federal fishery management plan. That's an
9 exception.

10 What it was originally designed for
11 was taking care of some law enforcement issues
12 dealing in the Sabine Lake area between Texas and
13 Louisiana, where Texas had quite a bit broader bag
14 and size limits for some sport fish than what we had
15 in Texas. But it will apply in other areas, for
16 instance, lakes along the borders of Texas, but also
17 along the Mexican border is going to affect some of
18 those fishermen that fish in Mexico and come back
19 in. So, anyway, that's an FYI and kind of helps
20 clarify some of the issues that we have.

21 DAVID WILMOT: Within the Virgin
22 Islands, all HMS fishes are caught within state
23 waters and we have a political climate such that the
24 local authorities don't recognize or work with the

1 local fishermen or the federal government. They
2 like to take your money, but want to do with it as
3 they will. So, you might keep that in mind, also.

4 MODERATOR CHRISTOPHER ROGERS: We'll
5 have to undertake our continuing review immediately
6 and I'll bring the entire staff down to the Virgin
7 Islands.

8 Okay. I think there's a lot of folks
9 that want to get moving onto our agenda item for
10 sharks. So, let's move in there. And it's not the
11 last you'll hear of the state/federal issue. Again,
12 what we'll try to do is make some major forays into
13 this review of state regulations and we'll be
14 contacting particularly your ex officio members on
15 the parts of the states on the panel.

16
17 SHARK ISSUES

18 MODERATOR CHRISTOPHER ROGERS: Okay.
19 With respect to sharks, Margo's going to give us a
20 management update. We've got several issues. We're
21 going to touch briefly on the management and
22 upcoming stock assessment, as well as some of our
23 ongoing concerns with public display, collections of
24 sharks for public display and some outreach

1 initiatives that sort of fell out of last year's
2 summer of shark discontent.

3 MARGO: Can everybody hear me? No?
4 How about now? Is that better? Okay. Well, we'll
5 be working from papers I passed out. People on the
6 side or if you didn't get one, there's some extras
7 in the back. And as Chris said, I'm going to run
8 through kind of a management update and then lay out
9 some of the other issues that are coming up for this
10 year. So, let's see.

11 As you may recall, we negotiated a
12 settlement agreement on two lawsuits that were
13 initiated, one in '97 and one in '99, and that
14 settlement agreement was reached in November of 2000
15 and it was approved by a court -- or 2001. 2001.
16 And that settlement agreement laid out several
17 actions for both parties. This was an action
18 brought by commercial fishing interests, originally
19 on the 1997 large coastal shark quota reduction and
20 the second suit on some of the commercial measures
21 in the HMS plan.

22 And NMFS published an emergency rule
23 on March 6th, 2002, to implement the terms of that
24 settlement agreement. It established large and

1 small coastal quotas at 1997 levels and suspended
2 some of the other commercial measures including
3 minimum size, dead discard and state landing
4 accounting provisions, and based on that quota
5 level, the fishery was closed March 24th.

6 The settlement agreement also
7 stipulated that the 1998 stock assessment for large
8 coastal sharks would be peer reviewed and the peer
9 reviews were not complete by the time the second
10 season opened July 1, so those -- the '97 quota
11 levels were also in effect for the summer reason.
12 And there was an underage from the first that was
13 added to the second, of 55 metric tons.

14 Based on this action, the Ocean
15 Conservancy and National Audubon Society filed a
16 lawsuit, and then again landings continued to be low
17 and the season was extended through September 4th.

18 In late October, we got the result of
19 the peer reviews. This statement, as you see here,
20 was a negotiated statement that was put to the
21 reviewers. They were asked to respond whether the
22 scientific conclusions and management
23 recommendations in the assessment were or were not
24 based on scientifically reasonable uses of

1 appropriate fisheries stock assessment techniques
2 and the best available biological information
3 relating to large coastal sharks.

4 Three of the four responded that they
5 did not believe that was the case, and so we
6 published an emergency rule on December 28th. The
7 terms of the settlement agreement said that if a
8 majority of the reviews came back in the negative,
9 we would maintain the large coastal quota levels
10 until a next assessment and a subsequent peer review
11 of that.

12 There was also an underage again from
13 the second season of 93 metric tons that was added
14 to the first. The Ocean Conservancy and Audubon
15 Society filed a second suit. Those cases are
16 pending. We have a closure, as you may know, that
17 we announced the large coastal season closure 30
18 days before the season begins, as a means of giving
19 the fishery some stability as to how long the season
20 will last. And that is April 15th. And then as of
21 March 25th, 41 percent of the quota had been
22 reached.

23 Now, these numbers will continue to
24 go up and often reports come in late, so this number

1 is not certainly the end of the story, but it does
2 appear that landings again are a bit below where
3 they have been. And this is something that we have
4 heard can be due to just a fewer number of
5 participants in a fishery.

6 Some people seem to have really
7 gotten out of the fishery, as well as what seems to
8 be happening this year, at least, is -- I believe
9 it's grouper prices are very high. And so people
10 that have normally fished for sharks and/or grouper
11 are primarily fishing for grouper. So, if there are
12 other reasons that you know of, we would certainly
13 be interested to hear them.

14 Other changes domestically is that
15 the commercial shark observer program, we made it a
16 mandatory program starting January 1. This was due
17 to a decreasing level of cooperation as a voluntary
18 program, and there were concerns that the data,
19 which is very important for stock assessment
20 purposes, was becoming less representative of the
21 fleet. And so we went with a mandatory program and
22 we are working on some of the bumps in the road
23 associated with that change, and we'll be talking a
24 bit more about that in the larger context of

1 observer issues after the break.

2 And also the Finning Prohibition Act
3 Final Rule was published February 11th. This
4 implemented the shark prohibition finning act and
5 there were not many changes -- I don't think any
6 changes really -- for the Atlantic. It did extend
7 the ban on finning to the Pacific and has
8 implications for foreign vessels offloading in U.S.
9 ports.

10 So, what we have upcoming for 2002,
11 there are two assessments underway. The small
12 coastal sharks -- there's actually two assessments
13 for small coastals underway, one, a joint MOTE
14 Marine Lab and University of Florida assessment, as
15 well as a separate NMFS assessment. They've been
16 working together on using the same data, but they
17 are using different modeling approaches. And we
18 expect to see the results of those hopefully early
19 summer.

20 And then there's also going to be a
21 stock evaluation workshop for large coastals in
22 June. And we expect the final report in August.
23 That report again will be peer reviewed and we will
24 be waiting on both of these assessments and doing

1 rulemaking based on them this fall.

2 Some of the upcoming rules that we've
3 got, the current emergency rule, the December 28th,
4 2002, expires July 1. We need to get something in
5 place before that season opens July 1. We are also
6 working on an exempted fishing permit monitoring and
7 tagging proposed rule that hopefully will be out
8 this April, and Sari Karali will be talking briefly
9 about that. There are some implications for sharks
10 and public display.

11 And then based on the 2002
12 assessments, we're expecting that an EIS and FMP
13 amendment will likely be in order. In that case,
14 we're planning on scoping -- having scoping hearings
15 this summer, with a proposed rule out this fall.
16 Peer reviews would be complete by then, and then
17 looking to have final regulations in place by
18 January 1.

19 And so it's an ambitious schedule,
20 but so far we are on track, and so we thought we
21 would use this form to lay out some of the issues
22 that we were intending to scope on and trying to
23 solicit additional issues that you may have.

24 It's kind of a laundry list. I don't

1 want to spend a lot of time on it. But just to lay
2 it out. Looking at the use of vessel monitoring
3 systems in the southeast shark gillnet fishery, this
4 would be to enforce the area closures associated
5 with the right whale calving season, which runs from
6 November 15th through March in an area off of the
7 Florida east coast up into southern Georgia.

8 Right now there's 100 percent
9 observer coverage requirement during that time.
10 This would not alleviate complete observer coverage,
11 but would reduce the need for 100 percent because
12 the VMS unit could enforce the closure.

13 Looking at adjustments to quotas and
14 bag limits, obviously the stock assessments would
15 have a lot of bearing on what those would actually
16 be. But we -- looking at ideas for regional quotas,
17 looking at quotas and bag limits by permit category,
18 be it the directed versus incidental commercial
19 permits. And the idea of setting up a quota reserve
20 in the case of an overage or underage, similar to
21 what we have in tuna, if that would be appropriate
22 for sharks. Looking at revisiting allocation by
23 fishery. There are several commercial fisheries, as
24 well as commercial versus recreational fisheries.

1 Fishery operation. We've gotten a
2 lot of comments on some of the aspects here,
3 primarily closure notice. Prior to the HMS plan
4 there was five day advanced notice of a commercial
5 closure. Probably the only fishery -- group that
6 closes is the large coastals. We got a lot of
7 comments that it was very hard to run a business,
8 get circulars out on supermarkets with only five
9 days' notice. And so what we moved to is before the
10 season even opens, we announced based on the
11 available quota and recent catch rates over the last
12 couple of years for that time period how long we
13 expect the season to last. And this was an effort
14 to give more stability so people could develop and
15 maintain the markets. And what's happened is in the
16 last two seasons and what may happen in this season
17 is that we have an underage. And so we've heard
18 that people would prefer that we just let it run,
19 basically, and close it when we get close, whereas
20 under the system now we would close it and then add
21 it to the following season or the following season
22 the following year.

23 So, we're looking for comments on
24 that, what to do with the overages and underages, as

1 well as revisiting trip limits. The trip limit was
2 implemented prior to limited access, but the fleet
3 is limited now, so we may be revisiting the utility
4 and appropriateness of the trip limit.

5 Also looking at minimum sizes.
6 There's a minimum size in place in the recreational
7 fishery, but not in the commercial fishery. So,
8 we'd be looking at that. It's also based right now
9 on the minimum age at maturity of the sand bar
10 shark. So, whether additional minimum sizes or
11 focusing on the different species might be
12 appropriate.

13 Permit issues, again we're hearing
14 that a lot of people have left the fishery, and so
15 we may continue to have latent effort that as we go
16 on, if people jump back in, we could have
17 overcapitalization and derby fishing conditions
18 depending on how things go. So, whether we want to
19 revisit the limited access system as well.

20 Bycatch of sharks in shark fisheries,
21 of juveniles or prohibited species; large coastals
22 after a large coastal closure, as well as sharks in
23 other HMS fisheries, in other fisheries in general,
24 as well as bycatch of other species in shark

1 fisheries. There's been catches of turtles, sea
2 turtles in both the longline and gillnet fisheries.
3 So, let's see. Revisiting prohibited species, as
4 well as dead discard accounting. The stock
5 assessment should be examining both of these, as
6 well, so we'd probably look to the assessments for
7 specifics on scoping there.

8 And so we've got a big year in sharks
9 coming up, so it's our hope that the Advisory Panel
10 will, you know, give us their comments now as we go
11 into it, as well as -- you know, stay tuned for how
12 things develop.

13 Now, as Chris also mentioned, last
14 summer, the summer of the shark. We got a lot of
15 requests from media of all sorts and are trying to
16 take a more proactive response this year, in the
17 event that there is -- there are attacks and there
18 is the media focus, and we're working with Sea Grant
19 on this. Sea Grant is a part of NOAA and their
20 expertise is on outreach. And so we're looking at a
21 number of initiatives. A press club event in May
22 here in D.C., which would be for the Washington
23 Post, the New York Times, kind of the big newspapers
24 and television, as well as an informational workshop

1 in June in Florida, with more of a public focus
2 anywhere from, you know, people that use beaches,
3 that are just interested in sharks, and that would
4 be a longer event.

5 Also looking at developing a brochure
6 which would be available again to more of the
7 general audience, that could be distributed to
8 states, Chambers of Commerce, marinas, that would
9 lay out what we know about sharks, that they're
10 managed, some of the reasons why, and also get into
11 how to reduce the risk of your attack and possibly
12 what to do in the case of an attack. That may be
13 responsive to kind of people wondering, you know, I
14 want to go to the beach this summer, is it safe,
15 kind of thing.

16 We're also working on a shark web
17 site, which would be again a kind of a point of
18 contact, as well as an identification guide for
19 sharks, tunas and billfish, which will be entering
20 production hopefully late spring, early summer, and
21 should be available by midsummer, that would help
22 with obviously identification issues. People don't
23 always know what they're catching or even seeing.

24 So, Jim Murray, he's over here, is

1 with Sea Grant, and will be available at the end to
2 answer any questions from the Sea Grant perspective.

3 And also, beyond the domestic front,
4 we're working hard internationally. The Food and
5 Agriculture Organization, International Plan of
6 Action for Sharks, we're working on suggesting and
7 trying to help other countries implement their
8 national plans of action.

9 To this end, we have an APEC project,
10 the Asian Pacific Economic Cooperation, funded a
11 proposal with some U.S. kick-in money to facilitate
12 regional implementation. There is a survey going
13 around to the different countries right now asking
14 for the kinds of information that collect,
15 management measures that are in place, issues,
16 problems. There's also going to be a manual and a
17 workshop that comes out of that. The workshop
18 should be held this November.

19 And the U.S. is planning on sending
20 demarches to the different fishing countries and
21 entities on a number of issues, but raising the
22 status of NPOA's as well this May.

23 The U.S. National Plan of Action has
24 been finalized and we're looking at starting the

1 update process this fall to submit the biannual
2 report at the COFE (phonetic) meeting in 2003.

3 As I mentioned, the Finning Act --
4 Finning Prohibition Act rule was published. We're
5 working -- a report to Congress was finalized
6 recently that lays out all of the different things
7 that we're doing in the international foreign,
8 regional bodies, as well as domestically. And we
9 have heard from Japan they're not pleased and so
10 we're engaged in discussion with them on what it
11 means and how to proceed with some of their
12 concerns.

13 Also, at all of our bilateral
14 meetings we mention the Finning Prohibition Act as
15 well as trying to get updates on their NPOA status.
16 In 2001 we had bilaterals with Japan, Spain, Taiwan,
17 the European Community and Canada. And so far in
18 2002 we've got China coming up, as well as Chile.
19 But these issues will be discussed.

20 And lastly, there was an ICCAT data
21 preparation meeting last fall with the focus on blue
22 and shortfin mako assessments in the next -- I think
23 2004. That went pretty well. It was kind of a data
24 collation; what do we have, what do we need, what

1 kind of analyses can be done. I think the meeting
2 was pretty productive. As well as a DELAS which is
3 Developing Elasmobranch Assessments meeting, again
4 last fall. This was held in Ireland and was an
5 attempt to get ICCAT and ICES talking together more.
6 And they have a mandate to conduct a blue shark
7 assessment of some sort by next May.

8 And so there have been some NMFS
9 participation data and modeling efforts there, as
10 well as cooperative research with Mexico. There's
11 joint analysis of observer data coming out of the
12 U.S. and Mexico fleets, trying to get data
13 standardization, development of catch rate indices.
14 The MEXUS Gulf longline research surveys last year
15 for the first time. I think the U.S. vessel was
16 able to enter Mexican waters and do the research
17 survey. There had been previous attempts that were
18 not successful. But as I understand it, it went
19 pretty well and they're continuing to work on it for
20 this year.

21 There's also research out of the MOTE
22 Marine Lab on nursery grounds and surveys in Mexican
23 waters. And I don't have a slide, but there's also
24 a lot of work with Canada, primarily on pelagic

1 sharks out of the Narragansett Lab on makos and
2 porbeagles (phonetic). They've done some
3 interesting work. And that's detailed in the SAFE
4 Report.

5 And I believe that's it. Dean
6 Swanson is here from the Sustainable -- or
7 International Fisheries Division that can respond
8 more fully on questions from the international
9 perspective. So, at this point I'd like to offer
10 the opportunity for Jim and Dean to add anything or
11 answer questions and then Sari will give you an
12 update on the EFP rule. So, Jim, Dean, do you want
13 to add anything at this point?

14 UNIDENTIFIED (No microphone):

15 (Inaudible) this past year relative to shark attacks
16 (inaudible) a lot of public misinformation about
17 shark attack frequency and shark management and in
18 the FY '02 budget Congress this fall required Sea
19 Grant to enhance its Fishery Extension Program by 3
20 million dollars.

21 Part of the underlying philosophy of
22 that mandate from Congress was to work with the
23 National Marine Fisheries Service and other fishery
24 management agencies, (inaudible) interstate

1 commission or the state level, in public education
2 and outreach needs. And so what --

3 [GAP IN RECORDING]

4 MODERATOR CHRISTOPHER ROGERS: Let
5 Sari just give five minutes on our shark collection
6 for public display programs, some of the initiatives
7 we've taken trying to work in coordination with the
8 Atlantic States Commission, and then we'll just open
9 it up for general discussion on all these shark
10 issues.

11 SARI : Well, as you're probably all
12 aware, one aspect of our program has to do with
13 issuing exempted fishing permits, for a number of
14 reasons, one being to allow the capture of sharks
15 for display during times when normally fishing would
16 not be allowed. And we issue these to public
17 aquariums and also dealers in the aquarium trade.

18 And the aquariums have been really
19 good in terms of accountability and legitimately
20 collecting these animals and reporting to us what
21 they're doing and what's going on, but we've run
22 into a number of problems over the last couple of
23 years with the aquarium trade dealers. And a good
24 bunch of them are located in the Florida Keys.

1 So, our enforcement people in Florida
2 have been bringing a number of things to our
3 attention that we're trying to correct and address -
4 - maybe not correct them immediately, but at least
5 address them and try to get a better handle on
6 what's really going on and the whole question of
7 accountability and legitimate collecting and that
8 sort of thing.

9 So, we're attacking this in two ways.
10 One, we're preparing a proposed rule which is
11 intended to tighten up reporting and notification,
12 accountability of who is capturing what, and our
13 enforcement people would have a stronger role in
14 oversight of exactly what activities are going on.

15 And in line with this, we would like
16 to institute the practice of using pit tags, which
17 are microchip tags implanted under the skin, and are
18 read with a reader. And this would be one means of
19 getting a better handle on which animals are
20 actually being captured legitimately, versus those
21 who are not. And along with that we would like to
22 see a stronger accountability in data collection
23 reporting and that sort of thing.

24 The other problem that's come up is

1 that many of the dealers will get multiple permits
2 for collecting sharks. They'll go to various states
3 that they like to operate out of, Florida, New
4 Jersey, Delaware, Rhode Island being the primary
5 states they favor, and in addition to that they'll
6 come to us for a federal permit.

7 So, we're giving out permits thinking
8 we have X quota that's being dealt with here;
9 however, we have no way of knowing how many other
10 states have issued permits and how many animals are
11 really being collected from the pool.

12 To try to correct that, what we'd
13 like to do is look into one major accountability
14 system, a central permit tracking system where all
15 the states and ourselves, the federal government,
16 would deal on one basis with a centralized data
17 collection database and have one quota, one umbrella
18 quota, that all the permits would be counted
19 against. And this is not going to be part of our
20 proposed rule, but what we're doing on that aspect
21 is we're working with ASMFC to coordinate with the
22 states and act as facilitator to try to get a handle
23 on how many of the states would be interested in
24 cooperating with us in setting up such a central

1 tracking system based on counting against one
2 umbrella quota.

3 And we have been dealing with the
4 Management and Science Committee and the Shark Board
5 in trying to get the states involved in looking at
6 the issues that we're presenting and we still have
7 further meetings to explore what opportunities might
8 be in hand and how exactly if the states are
9 interested we're going to go about doing this. So,
10 that's the gist of it, as to where we're going with
11 the display problem. Any questions?

12 MODERATOR CHRISTOPHER ROGERS: Just
13 -- not to shortchange the Gulf States Commission, we
14 are interested in working with the Gulf States
15 Commission, as well, but we don't have any knowledge
16 of any great shark collection activities within the
17 Gulf States.

18 So, if we're mistaken in that --
19 primarily some of the species that are of greatest
20 popularity for public display are collected in the
21 Keys and up along the Atlantic coast. But if there
22 are any shark collectors for live collections for
23 public display operating within the Gulf waters,
24 we'd certainly like to have some information on that

1 and contact the state folks there, as well, to see
2 if they want to work cooperatively with us, just
3 like the Atlantic States Commission. Hopefully
4 will.

5 SARI : Yeah, we have not received
6 any requests for a federal permit for the Gulf, so
7 we really don't know what's going on there.

8 MODERATOR CHRISTOPHER ROGERS: Okay.
9 At this point we'll basically open it up for
10 questions on any of these shark issues that have
11 been presented so far. So, we have Gail Johnson.
12 Bob Hueter, Mike Leech and Dave Cupka.

13 GAIL JOHNSON: Thank you. This is
14 real quick. I think I heard Margo say relative to
15 shark finning that it would have implications for
16 foreign vessels landing in the U.S. Unless
17 something's changed, I don't believe that's
18 possible.

19 MODERATOR CHRISTOPHER ROGERS: No,
20 it's not foreign vessels landing fish catch directly
21 in the U.S., but basically as cargo, so fins that
22 are coming in as cargo, not from a fishing vessel,
23 but that would be transshipped, there would have to
24 be certification that those fins, if it's only fins

1 on board, were obtained without finning -- not the
2 product of a fishery that involved finning of the
3 sharks, obviously disposing of the carcass. Bob
4 Hueter.

5 ROBERT HUETER: Thanks, Chris. I
6 wanted to ask Margo when we get past all of this
7 sort of legal mess that has transpired over the last
8 year with respect to the assessment and regulations,
9 what is the vision of NMFS as to how we're going to
10 handle shark stock assessment when we get through
11 this period?

12 I mean, I think the problem -- the
13 reason why a lot of this occurred was because, for
14 whatever reason, NMFS has treated sharks as a lower
15 priority because they had all these pressures from
16 ICCAT to do the assessments for those species. And
17 it seems to me that we need to move shark stock
18 assessment up to a more formal level.

19 We still -- we haven't been told when
20 the assessment workshop is going to be. We're
21 hearing sort of June. This has kind of been the
22 source of the problem because when these workshops
23 are finally announced, you know, every other year or
24 so, they're kind of sprung upon the researchers who

1 have a lot of data to distribute and it's difficult
2 for us to pull all those data together in a timely
3 way that has the most recent information and good
4 analyses to make it useful for the workshop.

5 So, I don't want to beat you guys up
6 over the last couple years, because there have been
7 obviously lots of challenges and problems, but what
8 is your vision with respect to the assessment, the
9 workshop and the peer reviews? How is the process
10 going to work from this point forward?

11 MARGO : Actually, the process is
12 going to be a little different this year, and I
13 don't have the dates for you, but what the Southeast
14 Center is planning on doing is putting out kind of a
15 document for review by former and prospective stock
16 assessment workshop participants as well as anyone
17 who's interested in the public on some of the
18 modeling techniques that were done previously and
19 what they're looking at using for this next
20 assessment.

21 That should be coming out this month
22 for review, and they'll be taking comment on it and
23 it will respond to the peer reviews as well as some
24 of the other concerns that have been raised.

1 So, there will be opportunity for
2 people before we actually get to the assessment to
3 see the direction that the scientists are going.
4 And at that time I think we'll also be announcing
5 the assessment dates. We're looking at the latter
6 part of June, and so short of that, I don't have
7 more of the details.

8 And as I'm sure you know, this is --
9 the assessment is a function of the Southeast
10 Fisheries Science Center, and they are definitely
11 taking it very seriously, looking at new data,
12 attempting to get some of the historical data
13 recovered as well as exploring new modeling
14 techniques. So, I think they would say it is a high
15 priority.

16 ROBERT HUETER: Can I just get a
17 follow-up, Chris? Is the peer review process going
18 to remain part of the annual assessment? And as a
19 side question to that, if you have four peer
20 reviewers and two of them say yes and two say no,
21 what do you do in that case?

22 MARGO : Well, the terms of the
23 settlement agreement said that the '98 assessment
24 would be peer reviewed and stipulated that if the

1 majority of reviewers said positive or negative,
2 action would follow. And there's also a stipulation
3 in the settlement agreement that the 2002 assessment
4 will be peer reviewed.

5 And that is it in terms of what the
6 settlement agreement states. There's not a clause
7 on subsequent action. There's not a clause on
8 subsequent peer reviews beyond 2002.

9 What the agency does at that point,
10 whether we want to continue peer reviews, I think is
11 a question for the future. And you know, we'll be
12 reviewing the results of the assessment, as well as
13 the peer reviews and comments that we receive from
14 the public as we move forward with rulemaking.

15 MODERATOR CHRISTOPHER ROGERS: Mike
16 Leech.

17 MICHAEL LEECH: Thank you. I had two
18 or three questions that came to mind during the
19 discussions. One is the shrimp trawl bycatch, both
20 the Gulf and the Atlantic. It doesn't seem like
21 NMFS has any kind of handle on what that is. I've
22 seen estimates from very low to up in the millions
23 and millions. And one question is what are we going
24 to do about that? Are there any plans? I see

1 you're now proposing permits for shrimp boats to at
2 least find out how many there are, and maybe
3 somebody could address that.

4 Also, under the current regulations
5 for recreational anglers, all sharks must be at
6 least four and a half feet long, which is larger
7 than some of the sharks get. And some of the
8 species -- I think there's at least four species in
9 the small coastal category, that don't get to be
10 four and a half feet long, which means even though
11 it's not one of the species listed as prohibited for
12 recreational guys to catch, we can't catch them
13 because they don't get that big. It would prohibit
14 all tackle records being caught, etcetera, and I
15 don't quite understand the thinking of NMFS on that
16 part of the regulation.

17 And also when Kerry was up there,
18 apparently you're fairly free with your experimental
19 permits to aquariums and that type of thing and
20 dealers, and I'm interested to know does this result
21 in dozens of sharks being taken or hundreds of
22 sharks being taken or thousands of sharks being
23 taken?

24 And whatever that number is, I'm

1 wondering if there is a way that maybe the
2 International Gamefish Association could get some
3 kind of an exempted permit that would allow 10 or 20
4 sharks a year being taken for world record purposes
5 that now for American citizens, at least, would be
6 prohibited?

7 MARGO : For shrimp bycatch, this is
8 going to be specifically included in the small
9 coastal assessment. There has also been -- and Ray
10 Cortez has prepared basically a data preparation
11 paper on this. You're right that the estimates do
12 range from fairly low to very high, and this will be
13 accounted for in the assessments.

14 The details of how they do that, I'm
15 not sure. But I know that depending on the
16 assessment, the small coastal bycatch in shrimp
17 trawls can exceed the landings. So, it's a major
18 source of potential mortality there. And I believe
19 it is going to be included for large coastals to the
20 extent that it's appropriate. And so I think we are
21 addressing it there.

22 As far as the rec minimum size and
23 small coastals, yeah, we are aware that several
24 large coastals do not reach the minimum size and so

1 there is a catch and release fishery for them. And
2 kind of the rationale for that was that there
3 continues to be fairly large problems with
4 misidentification, particularly of juvenile large
5 coastals as small coastals.

6 And so one of our big concerns was
7 mortality of juvenile large coastals that needed to
8 be -- and may need to rebuilt. And so that was an
9 overriding concern there. Although there may be
10 things that we can do. The sand bar minimum size --
11 the minimum size is based on sand bars and if there
12 are issues in other areas, particularly the Gulf
13 where sand bars aren't so prevalent, then that may
14 be something that we can look at there.

15 And one of the issues with getting an
16 exempted fishing permit for world records -- and
17 Sari may be able to respond to this, too, is that
18 they're typically given ahead of time based on
19 specific requests to named fishermen as well as
20 named vessels. And so it could be difficult to do
21 that in a world record situation, where you don't
22 know the vessel that's going to catch the world
23 record ahead of time. So, it's something that we
24 can investigate, but it may be difficult for us to

1 address it through that avenue, although there may
2 be other ways that we can address it.

3 Okay. The number -- Carol's telling
4 me that the number of sharks taken through the FP's
5 is in the permitting section, which I believe is
6 Chapter 9 of the SAFE Report.

7 CAROL : It's fairly low.

8 MARGO : Yeah, I think it's in maybe
9 the low -- hundreds, maybe?

10 MODERATOR CHRISTOPHER ROGERS: Yeah,
11 we actually issue on the order of I guess anywhere
12 between 15 to 20 permits on an annual basis. And
13 those folks who will report back to us, as they're
14 required to do, although as Sari said, we're working
15 on a rulemaking to tighten up some of those
16 reporting requirements, would indicate that it's on
17 the order of less than 100, at least from federal
18 waters.

19 But that's part of the problem, is
20 that sharks are managed under Magnuson, not ATCA,
21 and there is a significant presence of sharks in
22 state waters and several of these collectors have
23 told us that they really don't intend to collect
24 sharks in federal waters. However, their states

1 that they operate in require them to get a federal
2 permit before they can get a state collectors
3 permit. So, in that sense, they're applying for a
4 permit to sort of open the door to themselves for
5 collecting in state waters.

6 And again, that's part of the
7 problem. We can't require reporting on activities
8 in state waters, although if we can work
9 cooperatively with the states and get some joint
10 permitting -- joint database management program
11 going, we'll all have a better idea of where these
12 activities are occurring and how many sharks are
13 actually being taken. We suspect that the majority
14 of fish may actually be taken in state waters, given
15 the low numbers that are reported to us under those
16 permits.

17 MARGO : Let me clarify, too, Chapter
18 9 says that in 2000 and 2001, I think nine and 14
19 shark EFP permits were issued. And the number of
20 individuals requested is often much higher than
21 what's actually reported, so --

22 MODERATOR CHRISTOPHER ROGERS: Dave
23 Cupka.

24 DAVID CUPKA: Thank you, Mr.

1 Chairman. I'd like to just briefly go back to this
2 issue of cooperative database for reporting shark
3 permits. This is something that I personally
4 commented on a couple of times in response to RFP
5 notices or Federal Register notices, and it's
6 something that I've been concerned about for a
7 number of years. And I know the Commission has
8 dealt with it. We as a state agency have indicated
9 our willingness to get involved in a system like
10 this. And I think it's something that we need.

11 And in fact, I thought that the
12 states had pretty much indicated through the
13 Commission their willingness to try and do something
14 like this, that the states would continue to issue
15 the permits, but the data would be entered into a
16 common database, so everyone would have a good
17 handle on how many permits were being issued for
18 scientific or display and education purposes.

19 I guess what I'd like to know is that
20 what does NMFS envision as the next step? It seems
21 to me that somewhere in the not too distant future,
22 to do something like that, we've got to sit down and
23 develop that database management system, and until
24 that gets done nothing is going to happen on this

1 issue.

2 And I think it's something that
3 deserves some attention and I'd just like to know
4 what if any plans you all have for pursuing this
5 issue.

6 MODERATOR CHRISTOPHER ROGERS: Well,
7 we have gotten some positive feedback from the
8 Commission, although the shark collection for public
9 display is a minor issue with respect to the Shark
10 Management Board, given the Spiny Dogfish Fishery
11 Management Plan development.

12 My understanding is that the Shark
13 Board will vote in May on whether to pursue this,
14 and there are some concerns on the part of some of
15 the states with respect to the resources that might
16 be dedicated to working cooperatively on a joint
17 permitting or joint recordkeeping program, that they
18 don't have at this time, and want to devote more,
19 particularly states like Massachusetts want to
20 devote more towards the spiny dogfish management
21 issue.

22 So, we are awaiting final word from
23 the Commission as to how they're going to proceed on
24 it. We can certainly proceed on I guess you could

1 say a bilaterally or multilateral basis with states
2 that do have a keen interest in this, South
3 Carolina, Georgia, Florida, and Delaware, New Jersey
4 to some extent. And we will proceed to the extent
5 we can.

6 Again, it was our hope that we could
7 coordinate through the Commission. I'm not an
8 expert on how the Commission works, but I guess
9 there's a Shark Management Board and a Policy Board
10 or something like that, and it has got to clear
11 several hurdles, so to speak, before the states can
12 collectively operate through the Commission. But
13 again, we will work individually with states as
14 necessary to advance this issue.

15 DAVID CUPKA: If I may, I would just
16 encourage you to do that. I wouldn't wait until you
17 get all the states in agreement, because I realize
18 it's a minor issue compared to some of the other
19 issues we're dealing with on the Shark Board, but I
20 still think it's important and if the states
21 individually are willing to work with you on that, I
22 would hope that you would pursue that and encourage
23 you to do so.

24 UNIDENTIFIED: Just as a matter of

1 clarification, it's my understanding that there will
2 be a vote at the next Shark Board meeting, which is
3 May 21st, I believe.

4 Now, according to my discussions with
5 the folks at ASMFC, who have been coordinating with
6 the states, not all the states are willing to jump
7 on board for this, and a couple of them have been
8 pretty resistant. They just don't want to be
9 involved. And it's also my understanding that if
10 all the states unanimously do not agree to look into
11 this and go forth, ASMFC is going to drop it, and
12 then we're on our own to try to deal individually
13 with the states.

14 So, I'm really hoping that's not
15 going to happen, but it doesn't look like it's going
16 to fly, to be honest with you.

17 DAVID CUPKA: Well, again, if you
18 can't do it through --

19 UNIDENTIFIED: If indeed it needs an
20 all or nothing vote, and that's how I understand it.

21 DAVID CUPKA: But again, if you can't
22 do it through the Commission, I would encourage you
23 to do it through the states, because I still think
24 you're going to end up with data that's better than

1 what you've got right now. Whether it's 100 percent
2 or not, it's got to still be better than what you're
3 dealing with now.

4 MODERATOR CHRISTOPHER ROGERS:

5 Thanks. Joe McBride.

6 JOSEPH MCBRIDE: Thank you, Chris.
7 Margo or Chris, I don't care who answers this, and
8 forgive my ignorance on this, I'm neither a
9 statistician nor a biologist, but I do have a
10 question about the Finning Prohibition Act. Would
11 you give us a quick overview of what that Act states
12 and what you mean by finning prohibited?

13 MARGO : Well, it bans people subject
14 to the authority of the U.S., and it was an
15 amendment to the Magnuson-Stevens Act, so that
16 applies to federal waters, from finning sharks,
17 which is slicing the fins off and discarding the
18 carcass.

19 Commercial fishermen as part of
20 dressing the carcass can remove the fins, but the
21 carcasses must be retained. There is a weight ratio
22 that must be maintained at the point of landing to
23 enforce that no finning provision.

24 And so in the Atlantic we already had

1 that provision in federal waters through the
2 original Shark Plan in '93 and then the HMS plan.
3 And it actually is a little bit beyond just federal
4 waters because of the requirement for many people --
5 for state fishermen that want to fish in federal
6 waters, they get the federal permit, and it's a
7 permit requirement regardless of where they're
8 fishing. In the Pacific, that I don't believe is
9 the case, and so would be in the federal waters in
10 the Pacific.

11 JOSEPH MCBRIDE: So, when you said
12 there's no change, that's what it has been in the
13 past. There's one thing you didn't mention there
14 and again, forgive my ignorance. The finning coming
15 in, the percentage of fins, do they have to be of
16 the same fish that are being landed? Let's say I
17 hypothetically land brown sharks or blue sharks and
18 I have five percent of the weight in fins. Do they
19 have to be of those species that are landed?

20 MARGO : The requirement is that they
21 are. The enforcement is a weight-based ratio.

22 JOSEPH MCBRIDE: Of the carcasses
23 aboard that are being landed?

24 MARGO : Right. They weigh the

1 carcasses, they weigh the fins. And I know that
2 there have been some enforcement cases where fins of
3 -- the species in the fins did not match the species
4 in the carcasses --

5 JOSEPH MCBRIDE: Well, the
6 enforcement is enforcement. I mean, you know,
7 someone's going to violate the law, they're going to
8 violate the law. I just -- I had heard in the past
9 -- and again, I'm certainly no expert on enforcement
10 or on finning -- that the carcasses didn't have to
11 match the fins --

12 MARGO : That is not the case.

13 JOSEPH MCBRIDE: Okay, that's great.

14 MARGO : It is illegal to fin --

15 JOSEPH MCBRIDE: As far as I'm
16 concerned, that's good, and as far as my
17 constituents are concerned, that's good. The other
18 issue here, if I may again, is the shark size
19 recreationally is four and a half feet, as Mike
20 mentioned earlier and you mentioned earlier. Now,
21 again, the exception there is commercial; am I
22 correct there? For example -- first, let me ask
23 you, is that a correct assumption?

24 MARGO : Well, the HMS Plan had the

1 same minimum size for commercial and recreational
2 fisheries. The large coastal group was going to be
3 broken out into ridgeback, large coastals, and non-
4 ridgeback large coastals, and the minimum size was
5 going to be applied to the ridgebacks. Due to court
6 injunction, that measure was enjoined and continues
7 to -- we've suspended it following that. So, it is
8 not in effect right now and has not been, whereas
9 the recreational minimum size has been in effect
10 since '99.

11 JOSEPH MCBRIDE: Thank you, Margo.
12 Let me just give a story here. We have a public
13 resource of sharks, which anyone's entitled to
14 utilize. The recreational fisherman goes out,
15 particularly in the northeast or certainly in the
16 east end of Long Island, and we catch a mako shark.
17 And it seems that we do catch many makos that are
18 less than four and a half feet, particularly in
19 August. I assume it's some sort of a pupping ground
20 for the general area. And it's hard to explain why
21 they have to return these fish that are edible under
22 four and a half, and yet some other user group can
23 keep them under four and a half. I'm speaking
24 specifically now, just to make it simple, for the

1 mako shark. And I don't understand the conservation
2 ethic here.

3 If it's necessary for the
4 recreational fishermen to release a shark under four
5 and a half for the reasons you outlined earlier, and
6 for the sake of -- you know, the broad term
7 conservation, why it isn't so in the commercial
8 fishery? I know they have a quota, but I'm talking
9 about the potential for the breeding of the fish,
10 etcetera, etcetera.

11 MARGO : Well, as I said, the FMP did
12 include a commercial minimum size. And so it was
13 NMFS's intention that that minimum size would apply
14 to both fishing groups, and that was for the same
15 reasons in one fishery as the other.

16 It was expanded to all fish in the
17 recreational fishery as opposed to strictly a
18 commercial group primarily because of problems with
19 misidentification, and our identification guide is
20 hopefully going to really advance the ability for
21 people -- you know, often not frequent shark anglers
22 to identify their sharks. And also we had --
23 specifically to the mako, received requests to put
24 in a minimum size that was even bigger than that,

1 and so for that species at least it did not appear
2 that that would be a problem. The concerns have
3 been raised for some other species, as you've heard.

4 JOSEPH MCBRIDE: Not to belabor it.
5 I just wanted to be sure my facts or what I thought
6 were facts were correct, and you didn't touch on
7 those. So, technically there are limited finning
8 allowed on carcass, and I certainly have no
9 objection to that. If you're going to bring a fish
10 in, as long as it's the same fish you're bringing
11 in, utilizing. All right. Thank you very much.

12 MODERATOR CHRISTOPHER ROGERS: Sonja
13 Fordham.

14 SONJA FORDHAM: Sonja Fordham, the
15 Ocean Conservancy. I have a list of concerns and
16 questions intermixed, if you'd indulge me. And
17 believe it or not, none of them have to do with the
18 litigation, except the only thing I would say on
19 that subject is that we continue to urge NMFS to
20 make these assessments a high priority and to ensure
21 that they are done on time and that the peer
22 reviewers are given clear instructions on what's
23 needed from them, and strict deadlines are imposed
24 so we don't repeat the situation we had with the

1 Center for Independent Experts.

2 And I'm going to skip over bycatch,
3 because I see that's on the agenda for later, if
4 that's okay.

5 Overall, I think for both the SAFE
6 Report and the Plan of Action, we continue to be
7 concerned that the documents are doing a good
8 overview -- present a good overview of how we're
9 managing sharks and a lot of the research that's
10 going on, but they continue to lack specific
11 management needs or any real vision for the future
12 in what might be considered for next steps.

13 My first question is about the trip
14 limit. And Margo, you said, that's one of the
15 things they were going to revisit. Would that be
16 revisit along with the whole package, like the
17 quotas, after the assessment?

18 MARGO : Yeah, I think that's
19 something we would consider in the context of
20 everything else.

21 SONJA FORDHAM: Okay. Thank you.
22 Section 3 of the SAFE Report goes through the
23 habitat research, and I'm pleased to see there's a
24 lot of exciting shark habitat research being

1 conducted by MOTE and also done by COSPAN. And I
2 saw some species of particular concern, the severely
3 depleted sand tiger sharks, as well as commercially
4 and recreationally valuable sand bar and black tip
5 sharks, and we're learning more about their nursery
6 areas. But I'm wondering what the next steps are
7 for that.

8 I would -- again, the document
9 doesn't really outline where we go from here. I
10 would suggest that next steps would be some sort of
11 protection for those areas, maybe beginning with
12 designating a Habitat Area of Particular Concern or
13 some time area closures when the time that these
14 areas are used has been documented. Do you have any
15 ideas on how we might proceed with that?

16 MARGO : Well, we have designated
17 essential fish habitat for all sharks, some by
18 different life stages, which would include juveniles
19 and subadults. And there is at least one Habitat of
20 Particular Concern -- I forget the species --

21 UNIDENTIFIED: (Inaudible.)

22 MARGO : And certainly revisiting EFH
23 and other habitats of particular concern as part of
24 this kind of comprehensive shark rule would be

1 appropriate, as warranted.

2 SONJA FORDHAM: Okay. And that would
3 lead into my just continuing to urge NMFS to be --
4 continue their leadership and encouraging the
5 Atlantic States Marine Fisheries Commission to
6 actually move forward with not just permitting
7 issues but shark -- large coastal and small coastal
8 shark management.

9 We continue to feel it's essential
10 that these species are managed through their range
11 and particularly this is important for the habitat
12 concerns I just talked about. And I would also urge
13 you to reach out, also, to the Gulf states, beyond
14 just permitting but particularly habitat protection
15 of nursery grounds and pupping grounds.

16 There's a section in there talks
17 about there was a dusky shark consultation relating
18 to the ESA candidate list, and it talks about what
19 they found, but it doesn't really draw a conclusion.
20 Did we include that dusky sharks are not endangered
21 or is there a next step for that?

22 MARGO : The technical term is a
23 status review. Species that are listed on the
24 candidate species list are supposed to be studied

1 under a status review, and it is specific that the
2 status reviews are not supposed to conclude
3 recommendation for listing or not.

4 It is up to the National Marine
5 Fisheries Service to review that. The Office of
6 Protected Resources is the one that has the lead on
7 that. And if warranted, the process would be -- the
8 Office of Protected Resources would issue a proposed
9 rule to list.

10 And so I don't have the answer on
11 that. I have not heard that they have made a
12 conclusion either way.

13 SONJA FORDHAM: Thank you. And then
14 one other thing on domestic issues was there's --
15 10-3 talks about how we no longer need a ban on
16 finning for the deep water sharks that was being
17 considered before because of the finning
18 legislation. And I understand that.

19 I just -- something that I had
20 brought up I think several times before was not just
21 that we needed to have a ban on finning, but that if
22 you look at the NPOA, the National Plan of Action
23 specifically talks about taking a precautionary
24 approach for sharks, and specifically mentions

1 protecting the most vulnerable species, and suggests
2 perhaps setting precautionary limits.

3 And I've made this point before, but
4 I can't think of many species that are more
5 biologically vulnerable than sharks that live in
6 deep water. They're exceptionally slow-growing.
7 And since there aren't big fisheries for them now, I
8 would consider this a good time to take a truly
9 precautionary approach and add those deep water
10 species to the list of prohibited species. So, I
11 would ask again that NMFS consider that in their
12 next rulemaking package.

13 Turning now to some international
14 issues. I really appreciate you putting all that
15 international information and updates together. And
16 I'm pleased to hear that we are doing more than I
17 knew we were doing.

18 The document on 10-10 says that
19 international conservation measures continue to gain
20 momentum, and I would just disagree with that. I
21 think that after we got the International Plan of
22 Action, the National Plans of Action were due,
23 there's been very little progress, as the U.S.
24 knows. And the U.S. has been a leader and I would

1 just continue to urge them to be a leader in the
2 international arena, but I think that efforts for
3 sharks have really stalled and we need to step up
4 that issue.

5 You mentioned projects that the U.S.
6 has with APEC. I participate with that project and
7 I'm happy about it, but you could also add in NAFO
8 and pat yourselves on the back for NAFO, because
9 those efforts for elasmobranchs might actually have
10 more teeth in the end, as Dean is well aware.

11 It says -- you said that your report
12 to Congress under the finning legislation is done or
13 do you have a date for that?

14 MARGO : I believe it is done and I
15 think we can get you a copy.

16 SONJA FORDHAM: Oh, okay, great. And
17 I'm pleased that the U.S. is undertaking all these
18 efforts to encourage other countries to complete
19 their National Plans of Action, but I would remind
20 you that under the finning legislation we're also --
21 and it says in the SAFE document that we're supposed
22 to call for work on an international ban for
23 finning.

24 So, I would urge that that initiative

1 be worked into your overall strategy and add that my
2 colleagues and I are very eager to work with the
3 United States on a specific and aggressive strategy
4 for the next meeting of the FAO Committee on
5 Fisheries in February of 2003 so we can get at all
6 these obligations for international shark
7 initiatives.

8 And then I just had one more plea,
9 under the trade section, and starting on 7-6. It
10 goes through a detailed discussion of shark product,
11 including fins, imports and exports, and identifies
12 some data gaps. And then in the end says that NMFS
13 will identify any needs for additional harmonized
14 tariff codes. So, I would just urge you, if you
15 need additional information on -- if NMFS determines
16 that they need additional information on what's
17 being imported and exported in terms of shark
18 products, that you make that public so that we can
19 help you to get it. Thank you.

20 UNIDENTIFIED: Regarding your concern
21 for shark nursery areas, I would just like to say
22 that our EFH money is funding what will be a
23 definitive document on shark nursery areas along the
24 Atlantic and Gulf coasts. We have gathered work

1 from all of the major scientists who are doing work
2 related to shark nursery areas, and we are going to
3 be compiling their information, their results, their
4 data, into a definitive document. And that's going
5 to really be an amazing effort.

6 MODERATOR CHRISTOPHER ROGERS:

7 (Inaudible) mention our symposium; right?

8 UNIDENTIFIED: Oh, yes. The other
9 thing is we are conducting a symposium at the annual
10 meeting of the American Fisheries Society, which
11 will deal primarily with -- will deal with shark
12 essential fish habitat with a focus on nursery
13 areas.

14 MODERATOR CHRISTOPHER ROGERS: Got
15 all your questions answered, Sonja? Okay, great.
16 Nelson Beideman.

17 NELSON BEIDEMAN: Yeah, primarily
18 what I want to raise is concerns about the
19 assessment, not only the upcoming pelagic shark
20 assessments but also the assessments for large
21 coastal sharks as far as what the pelagic longline
22 fishery has a secondary catch of.

23 But first, the foreign directed --
24 you know, shark fisheries are growing and this is a

1 huge concern. I think shark species have basically
2 been able to hold up to the secondary catches, but
3 the last four or five years the Europeans are
4 actively pursuing directed shark fisheries, blue
5 sharks from the Azores right on over.

6 But recently there's been some
7 reports that pretty much depend on CPUE to make some
8 pretty alarming statements about pelagic sharks.
9 And what -- you know, I wouldn't want the National
10 Marine Fisheries Service to make the same mistakes
11 that some of these -- you know, scientists have
12 made. Unless we take into account the shift from --
13 you know, tremendously large three and three and a
14 half shark hooks back in -- you know, from mid '80s
15 -- prior to the mid '80s when we started shifting,
16 to short shank hooks.

17 The difference in a U.S. pelagic
18 longliner versus a foreign longliner interactions
19 with sharks is unbelievable. They will fish in the
20 same area. They'll come in with tens and tens of
21 metric tons of sharks that they land, and we'll come
22 in with -- you know, a dozen -- you know, makos
23 alongside of them that we keep. And the rest of the
24 sharks mostly have bit off the hooks.

1 Well, using CPUE without taking that
2 dramatic shift in gear into account is simply
3 inaccurate. It doesn't work. The fishermen are
4 doing what you've encouraged them to do is to lay
5 off the sharks because there's a unique situation,
6 they can't take the pressure, expect the CPUE's in
7 our fishery to be going down. That's good, because
8 we've gone to this short shank hook.

9 We've asked National Marine Fisheries
10 Service to take this into account, to have the
11 observers count the bite off leaders, etcetera, so
12 that this information can be used. And it counts a
13 lot for the pelagics, because that's primarily what
14 we interact with in the sword and tuna fisheries,
15 but also for the large coastals, because you use our
16 information from the pelagic longline fishery for
17 those assessments. Any assessment that doesn't take
18 that dramatic shift in gear into account has
19 accuracy problems.

20 But there's some good news. If we
21 have the NED sea turtle research this year, we'll be
22 testing some larger circle style hooks. Now, these
23 hooks may well be large enough that the sharks
24 aren't going to simply bite them off. Plus, they'll

1 get lodged in the corner of the mouth instead of
2 being swallowed, as well. So, we may have something
3 that we can compare to with the opportunity of 100
4 percent observer coverage, at least for one year.

5 Now, we've been fighting, and we've
6 had to fight tremendously hard, to try to keep all
7 of the fisheries data included in the NEDC turtle
8 research. In Hawaii, they've already dropped all
9 the fisheries data because the observers have so
10 much work to do on the turtles that they don't feel
11 that the fisheries data is important enough to have
12 a priority.

13 We need the fisheries data. The
14 Atlantic situation is different. We have
15 obligations to ICCAT. We have bycatch situations
16 that we are actively and aggressively working on.
17 We can't drop the fisheries data from that sea
18 turtle research and -- you know, it's a very good
19 opportunity with 100 percent observer coverage to
20 get some of this work done.

21 But again, I would caution that any
22 assessment using the pelagic longline data that
23 doesn't take into account those dramatic gear shifts
24 is inaccurate.

1 MODERATOR CHRISTOPHER ROGERS: We're
2 scheduled for a break at 10:00. We've got a long
3 list of folks still wishing to speak. Is everybody
4 ready for a break or do you want to go for another
5 15 minutes? I don't see anybody jumping up, so
6 let's go for 15 minutes and then we'll take a break.
7 We've got Mau, Glenn, Bob Hueter again, Russ Dunn,
8 Randy Blankenship, Mark Sampson, Bob M. -- oh, Bob
9 McAuliffe. Okay. Rusty Hudson, you're on there.
10 We're getting to it. And then Dave Wilmot. Then
11 we'll take a break.

12 UNIDENTIFIED: (Inaudible.)

13 MODERATOR CHRISTOPHER ROGERS: He'll
14 let you take your break, if you need it, while he's
15 speaking.

16 MAUMUS CLAVERIE: I've got three
17 things, but before -- Margo, thank you for the
18 handout. That was helpful. Appreciate it.

19 You mentioned some fishermen who have
20 been fishing for sharks have turned to grouper -- to
21 fish for group instead?

22 MARGO : So we've heard.

23 MAUMUS CLAVERIE: And that -- I was
24 asked three times when I got here am I switching

1 from red grouper to highly migratories now for this
2 meeting and I thought I was, but tell me about what
3 kind of grouper. Where is it? In the Gulf? Is it
4 red grouper, black grouper?

5 MARGO : I don't know the species of
6 grouper, but it primarily was people -- west coast
7 Florida fishermen that we've heard are doing grouper
8 trips instead of shark trips.

9 MAUMUS CLAVERIE: Okay. We'll be
10 happy to hear that back at the Gulf Council. One of
11 your slides -- where did you get that information,
12 by the way?

13 MARGO : George Burgess, the observer
14 program coordinator.

15 MAUMUS CLAVERIE: Who?

16 MARGO : George Burgess, who works at
17 the University of Florida and runs the shark bottom
18 longline observer program. And in calling vessels
19 and receiving calls from vessels, he's heard a lot
20 from that region that they're not going shark
21 fishing, they're going grouper fishing.

22 MAUMUS CLAVERIE: Okay. Thank you.
23 Do you remember the gear they use?

24 MARGO : The what?

1 MAUMUS CLAVERIE: What kind of gear?

2 MARGO : It's bottom longline.

3 MAUMUS CLAVERIE: Bottom longlines,
4 okay. You mentioned in one of your slides
5 overcapitalization, and I thought that went went
6 passe and the new buzzword is excess capacity or
7 something like that. Is there a purposeful
8 difference there that you've reverted to the old
9 thing instead of the new thing?

10 MARGO : No.

11 MAUMUS CLAVERIE: Okay. They are
12 different. I was just wondering if you had some
13 reason for doing one instead of the other. You're
14 really meaning both.

15 MARGO : Well, the issue is that we
16 seem -- initially when we -- pre limited access,
17 there were over 2,000 shark permits. There was no
18 distinction between directed and incidental level of
19 fishing.

20 Since we've implemented limited
21 access, I think there are -- you're still about
22 1,000 permits, so it was down -- reduced by half.
23 And with the breakout of directed versus incidental,
24 and what we've heard is that even the -- that

1 there's been some attrition there that people just
2 aren't fishing. And so the question now is have
3 they legitimately exited the fishery, and there are
4 unused permits out there, and how we want to address
5 that is the question.

6 MAUMUS CLAVERIE: And you mentioned
7 the shark guide, which of course I think is a good
8 idea, but for us in the Gulf, please, clearly
9 distinguish -- easily distinguish between the
10 longfin and shortfin mako, because one is okay to
11 catch and the other one's not, and we do have both
12 of them in the Gulf.

13 MARGO : There is habitat
14 distribution information included.

15 MAUMUS CLAVERIE: Thank you. I'm
16 ready for a break. I don't know if anybody else is
17 now. Thank you.

18 MODERATOR CHRISTOPHER ROGERS: Okay.
19 Glenn Delaney.

20 GLENN DELANEY (No microphone):
21 (Inaudible.)

22 MODERATOR CHRISTOPHER ROGERS: Put
23 your mike on, Glenn.

24 GLENN DELANEY: -- but the ICCAT does

1 or has started to assume greater responsibilities
2 with regard to just a small number of species. I
3 guess the mako, porbeagle, blue shark.

4 UNIDENTIFIED: Thresher.

5 GLENN DELANEY: Thresher?

6 UNIDENTIFIED: Well, it's bycatch.

7 GLENN DELANEY: Well, anyway, we're
8 starting to collect data and do stuff with them.
9 And what -- you know, perhaps you don't have to
10 answer this now, but if you gave us some input as to
11 what your vision of a regional management
12 organization like ICCAT, what would you enjoy seeing
13 them do with respect to those species? Thanks.

14 Second question I wanted to address
15 to Bob Hueter -- I think I pronounced that right.
16 We've got a screaming need for applied research in
17 shark management. We have a lot of management
18 demand and a shortfall of science, and that's pretty
19 much the story for fisheries across the board. I
20 haven't heard anybody complain about knowing too
21 much about any species.

22 But you have a great program that I'm
23 a little bit aware of. My old major professor is a
24 colleague of yours at VIMS, and I know you have

1 almost a nationwide consortium of researchers
2 working on a program. And I was wondering if you
3 wanted to just take a moment to explain how that
4 relates to some of the management needs that we
5 have.

6 And then I have -- but before you do
7 that, can I just ask a quick question? You
8 mentioned that finning is regulated under the
9 Magnuson Act, and it applies with respect to U.S.
10 citizens in federal waters.

11 Does it apply with respect to U.S.
12 citizen -- and I'm sure you were making a
13 federal/state distinction when you were saying that.
14 Does it apply with U.S. citizen fishing activities -
15 - does the Magnuson authority extend beyond the EEZ
16 and apply to a U.S. citizen's fishing activities on
17 the high seas with respect to finning?

18 MODERATOR CHRISTOPHER ROGERS: My
19 understanding was yes, it did apply on the high
20 seas. The nuance in the legislation was that it
21 didn't give the Secretary direct preemption
22 authority in state waters. In other words, the Act
23 clearly was intended to apply to U.S. citizens and
24 U.S. vessels wherever they are. However, it didn't

1 give clear preemption authority within state waters,
2 so that the agency determined that -- in its
3 rulemaking that the states should deal with that
4 individually or collectively, as need be.

5 GLENN DELANEY: If you guys could
6 just indulge Bob for a minute, or maybe you'd rather
7 not.

8 MODERATOR CHRISTOPHER ROGERS: Yeah,
9 Bob was up next anyway. Good lead-in.

10 ROBERT HUETER: Thank you, Glenn.
11 Appreciate that. I've got actually some pretty good
12 news to report to the group on a number of fronts.
13 First of all, the research front that Glenn
14 mentioned. This is going to be a very good year for
15 shark research.

16 We have always had a little bit of
17 funding courtesy of HMS for life history studies,
18 for studies on stock identification and migration.
19 But one of the problems has been keeping the
20 continuity of that funding year after year, and as
21 I'm sure many of you are aware, research doesn't
22 work very well if you do sort of stop and start a
23 little bit one year and then it lags and then
24 another year.

1 This year we were able to institute a
2 brand new federal program through NMFS called the
3 Highly Migratory Shark Fisheries Research Program.
4 And it's a 1.5 million dollar program that's going
5 to the National Shark Research Consortium that Glenn
6 mentioned, which is a coalition of research
7 organizations with MOTE Marine Lab as the lead
8 organization; Virginia Institute of Marine Science,
9 under Jack Musick, as a partner; the University of
10 Florida, with George Burgess starting some new
11 research, as a partner; and then making it national,
12 bringing in California, where we should not neglect
13 the Pacific, Moss Landing Marine Laboratories, under
14 Professor Greg Kiyay.

15 I'm not going to go -- I won't cover
16 all the bases on this, but it's a very ambitious new
17 program that's going to get into a number of areas,
18 big time, including pop-up satellite tag technology.
19 We're going to basically attack sharks, if I could
20 use a bad pun, in the way that bluefin tuna have
21 been taken on for satellite tags, which are
22 expensive, as you all know. So, the funding is very
23 justified.

24 New approaches to doing aging growth,

1 to doing relative abundance with fishery independent
2 measures, population genetics to identify some of
3 these stocks better. Basically, do what we've all
4 tried to do in little ways, but in a much more
5 unified way. And I think a way that's going to be
6 very successful. And we've got our first year
7 funding that begins July 1st and we're hoping that
8 this is a program that's going to stay for a little
9 while.

10 So, I thank HMS for their support for
11 us to get this in, and as a member of the Advisory
12 Panel, my advice would be to help keep this program
13 going.

14 I wanted to -- on the research front,
15 I wanted to provide a little bit of information on
16 some things -- some points that have been raised.
17 On the small coastals, Mike Leech asked about shrimp
18 trawl bycatch, which has been a big issue in the
19 Gulf of Mexico. The main impacted species in that
20 bycatch is the Atlantic sharp-nose shark, which is a
21 small shark that gets to be about four, five feet
22 long. And as it's been mentioned a couple times,
23 MOTE is conducting a stock assessment of the small
24 coastals.

1 I got an update from our scientist,
2 Colin Sinfendorfer, last night, that the assessment
3 will be done in June. But I can tell you -- this is
4 preliminary -- that the models indicate that the
5 Atlantic sharp-nose shark has been decreased 60 to
6 80 percent -- likely to have decreased to 60 to 80
7 percent of its 1972 mature female biomass -- the
8 virgin biomass. When we put in the Mexican catches,
9 that becomes about 50 to 60 percent of what it was
10 30 years ago.

11 However, the good news -- change of
12 tape -- about 80 percent. These are blue sharks
13 that in other quarters have been treated as rabbits
14 of the sea, as very prolific animals that are almost
15 non-depletable, if that's a term.

16 Now, this is one component of the
17 blue shark population, and don't misunderstand what
18 I'm saying. I'm not saying that all the blue sharks
19 in the North Atlantic are down to 20 percent of what
20 they were. But this is a very strong warning signal
21 that the pelagics have been affected. And in this
22 paper we speculate on what may have caused this
23 change.

24 I think the point, though, to take is

1 that we can't just be lackadaisical about these
2 pelagics, that we have to get going with the stock
3 assessment, and I would not like to see us totally
4 abdicate that responsibility to ICCAT. I think it's
5 great that they're moving forward with this, but I
6 think that we have a responsibility to try to look
7 and see what's happening to the pelagics off our own
8 shores, because it's a very important fishery,
9 especially recreationally.

10 The last point is I really would urge
11 that we get back when we can to some sort of species
12 grouping, species specific approach in the shark
13 management plan, that we try to recover at the very
14 least this ridgeback versus non-ridgeback
15 distinction that was thrown out.

16 I would really like to ask all of you
17 who probably, you know, couldn't care less about
18 sharks, that many of the people that are sitting
19 here, imagine for just a moment if your tuna fishery
20 was managed as one species group. Yellowfin,
21 bluefin, all the tunas together as one group and you
22 had one quota for tuna. That's the situation that
23 the sharks are in, in a sense -- not in a sense, in
24 a reality. It's not just many species, it's many

1 families.

2 Imagine swordfish and billfish --
3 swordfish, marlin, sailfish, all as -- you know, one
4 quota, one set of bag limits for that group. That's
5 what we have with sharks. It's unbelievable --
6 unfortunately, it's a result of lack of information.
7 Obviously we're trying to address that. And NMFS
8 is, as well, but please all of you try to keep some
9 pressure on to move us forward to get to better
10 management of this group, and think about the
11 ramifications that it would be for your pet fishery
12 if they were managed in the same way that sharks
13 were or have been.

14 (Blank part of tape.)

15 RUSSELL DUNN: -- how to deal with
16 underages, I guess, and it appears that in looking
17 at what was suspended, one of the things that was
18 suspended were the season specific quota adjustments
19 for large coastals and small coastals. And if you
20 suspended that -- and I read that to mean you can't
21 penalize the fishery in the next season, can you
22 then also not carry over in the next season any
23 underage? So, if you can't do one, can you do the
24 other?

1 Let's see. We would urge you when
2 the assessment occurs this June to make sure to the
3 extent possible that the assessment end up with
4 using one model, one base case, and not -- we're
5 very afraid that we're going to end up in a
6 situation similar to bluefin tuna, where we've got
7 two models out there that conflict and further
8 confuse the situation. So, whatever can be done to
9 ensure that we have one base case rather than two
10 would be great.

11 I would echo a lot of what Sonja
12 stated, that -- well, first let me say that we
13 appreciate what you did on the finning issue, even
14 though it was seven or eight months late. I think
15 you did a good job in writing up the implementing
16 regs. There was a little disagreement with the
17 state issue, but other than that, I think you guys
18 did a great job on that. So, thank you for that.

19 I would concur with Sonja's comments
20 on the SAFE Report and the NPOA, that it again is a
21 good review of what has been done, but doesn't
22 really lay out a real plan of action for the future,
23 and we'd like to see more of that.

24 We'd urge NMFS to try and -- continue

1 to try and work with the states to develop that
2 database so we get a better handle on what's going
3 on, even if there is some foot-dragging by some of
4 the states, and to add deep water sharks to the
5 prohibited list.

6 And then finally, I guess, with
7 regard to some of the observer coverage stuff, I'm
8 just wondering where we talked about making the
9 observer coverage mandatory, in some of the shark
10 fisheries. Is that factored into your budget
11 request already for '03? And is the decrease of
12 observer coverage in the shark drift gillnet fishery
13 in Georgia, are those dollars shifted around to help
14 cover observers in other places? And just a warning
15 not to fully rely on VMS as a replacement for
16 observers in the shark drift gillnet fishery. They
17 can be some -- VMS can cover some of those
18 responsibilities but not all of them obviously.

19 Thanks.

20 MARGO : Well, just to respond to
21 that last point, I think I said -- or maybe I wasn't
22 clear -- that we would not consider VMS to
23 completely replace observer coverage. It would be a
24 way of reducing the 100 percent observer coverage

1 requirement.

2 WRESTLE DUNN: So then it goes down
3 to the 52 or 53 percent?

4 MARGO : Whatever would be
5 statistically required.

6 WRESTLE DUNN: Okay. Thanks.

7 MODERATOR CHRISTOPHER ROGERS: And we
8 will be touching on some of the observer funding
9 issues in our next discussion. So, hopefully we'll
10 clear up your question then. If not, get with me
11 and we'll talk about the various ways observer
12 programs get funded and how the money gets shifted
13 around with expenditures from year to year.

14 We had Randy Blankenship.

15 RANDY BLANKENSHIP: This is a comment
16 regarding recreational enforcement of the shark
17 regulations. As a biologist that does still do
18 quite a bit of field work, and also recreationally
19 fishes, I can safely say that the federal regs for
20 sharks are not well-known in Texas. Therefore,
21 there's -- you know, a pretty good need for
22 increased education along those lines with the
23 recreational fishery in Texas.

24 But there's also a reason why people

1 don't take it upon themselves to find out what those
2 laws are, and that's because there's not much fear
3 of not knowing what those laws are. Therefore,
4 there's also an increased need for enforcement of
5 those recreational regulations.

6 Now, increased enforcement benefits
7 not only sharks, but it would also benefit many of
8 the other federally managed species, as well. And I
9 realize that there's not a whole lot of resources
10 available to expand enforcement, but obviously
11 there's a great need for it. And really when it
12 comes down it, law enforcement is where the rubber
13 of fishery management plans meets the road. And
14 right now there's little recreational enforcement
15 along the Texas coast, and I would imagine
16 elsewhere, as well.

17 MARGO : Randy, if you have ideas on
18 ways that we could get the word out more, we would
19 be interested in hearing them. There's a whole
20 discussion of this scheduled for tomorrow.

21 MODERATOR CHRISTOPHER ROGERS: There
22 has been a number of joint enforcement agreements --
23 I'm not familiar with Texas, but I know I --

24 UNIDENTIFIED: (Inaudible.)

1 MODERATOR CHRISTOPHER ROGERS: Okay.

2 But there's been a lot of success with federal
3 enforcement working cooperatively with state
4 enforcement officers and we'll look into forging
5 some more cooperative relationships and prioritizing
6 some of the potential violations for targeted
7 enforcement, so to speak. Mark Sampson.

8 MARK SAMPSON: Yes. In regards to
9 the shark attack evaluation initiatives and outreach
10 and all that, I guess there's two hats here. As
11 somebody who's not only very interested in sharks,
12 and also somebody who lives in a coastal community
13 that is very highly dependent upon tourist trade, I
14 would like to hear a bit more about what these
15 education initiatives and outreach is going to
16 contain and where you all are headed with this.

17 Last year obviously the press had a
18 field day with the shark thing, and I think it was
19 only quelled when the tragedy of 9/11 came about.
20 Just if we could maybe get a quick overview, very
21 brief, as to maybe some thoughts and where you're
22 heading with this. Reasons, solutions,
23 recommendations and whatever, that you're going to
24 be presenting to the public, you know, in the

1 future.

2 UNIDENTIFIED: Yeah, thank you. What
3 we did about a month ago -- just sort of the
4 background of this, is that because of some of the
5 misinformation last year and tremendous public
6 attention to the issue, there was interest by Bill
7 Hogarth and Ron Barrett in our office to sort of
8 address the issue from a public education
9 standpoint.

10 I am not a shark expert, but we're
11 trying to get the whole issue off the dime, so to
12 speak, and working with some folks in the Southeast
13 Region of the National Marine Fisheries Service,
14 John Carlson and Margo and others, we put together a
15 conference call about -- oh, five weeks or so ago of
16 the shark -- of a whole number of shark experts from
17 around the country, including the west coast, Bob
18 Hueter, George Burgess, others, regarding the
19 overall issue of shark attack and public education
20 vis-a-vis the issue.

21 And the first priority that was
22 determined -- the first need and more immediate
23 need, based on some of the experts had already been
24 getting sort of preliminary calls from the media in

1 preparation for this next season, was that we needed
2 to have sort of a public education campaign for the
3 national media. And often, the local media gets --
4 picks up their stories from the AP wire and so on.

5 And so our office, Sea Grant, has
6 actually an individual who's located down at the
7 National Press Club and our job is to put together
8 sort of a first effort to address that issue is a --
9 what we call a national press briefing. And we've
10 got -- in fact, there's a conference call -- the
11 date is May 21st, the target audience is the
12 national press. Typically, the way these things
13 work, it's about a two-hour session. We have
14 envisioned four speakers, including hopefully Bill
15 Hogarth or a designee; Bob Hueter, George Burgess
16 and a reporter. We're trying to get Bill Broad from
17 the New York Times. So, that's sort of the first
18 issue.

19 The second issue or second event is
20 that there's been interest by a number of people in
21 having some sort of an educational -- more
22 systematic, more in depth educational program for
23 the tourism industry, for other media, for some of
24 the NGO's and so on that are interested in this

1 issue. And specifically there was interest in
2 having such a meeting in Florida.

3 And so I know that there's some folks
4 that are putting together a proposal for a
5 competition that our office has for fisheries
6 extension enhancement that is proposing a fairly in-
7 depth workshop in Florida sometime later in July.
8 That will be coming from Florida Sea Grant,
9 University of Florida, George Burgess and others.

10 There's also interest in developing
11 and having available for -- you know, lifeguards,
12 the tourism industry, others, shark attack brochure
13 information. Margo's office has funded University
14 of Rhode Island Sea Grant to develop this ID guide
15 for Highly Migratory Species. So, some of the
16 information from that is being proposed to go into a
17 brochure where we do a major press run, and that
18 would be available also for the media and others who
19 are interested in responding to shark attacks.
20 There's a Web page, as Margo mentioned.

21 These action items really came from
22 this conference call and more or less looking at
23 this as sort of a -- you know, first installment on
24 an overall campaign.

1 MARGO : Does that cover your --

2 MARK SAMPSON: That sort of covers
3 the -- how you're going to present the information.
4 What I was wondering was, again, just a quick
5 synopsis of what are you going to be saying. You
6 know, the questions that were so often posed by the
7 press, I know, were -- I mean some of the basics.

8 We know a lot of the answers here
9 already, but I'd be interested to hear, you know,
10 what you're going to say why were there so many
11 attacks last year? Are there more sharks out there?
12 Are there less sharks out there? Is the food source
13 used up? Who's to blame? So on and so on. You
14 know, those are the kind of things that -- you know,
15 we would just be interested in hearing what the
16 agency's position is on some of these things.

17 UNIDENTIFIED: That is the -- and Bob
18 knows more about this than I, but that is the major
19 part of the program, and the issue here is -- you
20 know, at least from the press briefing and
21 ultimately the educational meeting in Florida, is
22 that there was -- and I'm referring to what the
23 experts are telling me, the folks that were involved
24 with responding to all of those media questions this

1 past year, lots of misinformation. And in many of
2 those cases we have science-based information that
3 is contrary to what the press was talking about.

4 And so the objective is to present
5 science-based information to the press ahead of the
6 season. That's why it was chosen before Memorial
7 Day weekend to have this press briefing. Bob, I
8 don't know if you want to contribute to that.

9 ROBERT HUETER: Well, I mean, I can
10 give you some of the points that I'm going to make,
11 and I have one perspective, but first of all, with
12 the premise that -- on the number of attacks, at the
13 end of the year, we actually ended up with less
14 reported incidents in Florida, where the epicenter
15 of all this was, one less than the year before.

16 In the United States we had I think -
17 - on balance -- I don't have the numbers in front of
18 me, I think we had one more and worldwide we had six
19 or seven less. So, the first point is that last
20 year was not an unusual year for shark attack,
21 unlike, you know, what you thought from all the
22 coverage.

23 There were some unusual things that
24 happened last summer that fueled this, and I've got

1 a chronology I'm looking at right now. It started
2 with the attack on the little boy in Pensacola.
3 That was a bona fide news event because the boy
4 lived and you were getting daily updates on his
5 condition. It became a national news story. And
6 then when the media decided to put resources into
7 it, it becomes a self-fulfilling prophecy.

8 So, when you start putting every news
9 helicopter in the country in the air over Florida,
10 lo and behold, you're going to find some sharks
11 swimming around. And it wasn't news to us, but it
12 was news to the rest of the country.

13 Shark attack has not increased
14 significantly from the previous year. It is true
15 that the absolute numbers of reported incidents has
16 gone up over the decades. It's pretty easy to
17 understand why when you do a statistical analysis
18 between these number of incidents and the number of
19 people in the water. Statistically, the growth in
20 the population at the beaches accounts for 80
21 percent of that climb in the number of shark
22 incidents.

23 The other 20 percent is easily
24 explainable by better data gathering. That the

1 shark attack file that George Burgess runs, for
2 example, where you look at these numbers climbing,
3 the reason that they've -- one of the main reasons
4 why they've climbed is because since e-mail and a
5 lot of other ways of getting information, when a
6 surfer gets his ankle bit off the east coast of
7 Florida, it was something that was barely even
8 reported to the lifeguard there. Now it makes it
9 all the way to the international shark attack file
10 and the last summer to the media. So, part of that
11 is perception.

12 There are so many holes in the
13 argument that we have a correlation between the
14 shark population size, the absolute abundance, and
15 shark attack numbers that it's not worth going into
16 it. Very simply, if there was a direct correlation
17 between the number of people who were bitten every
18 year and the number of sharks, you wouldn't have
19 been able to go in the water in the 1970's. I mean,
20 it should have been just like going into a pond full
21 of hungry alligators. That's just one little point.
22 Sorry, sorry. No more alligators.

23 There was one other point I wanted to
24 make that's alluded me, but maybe it will come back

1 to me, but anyway, that's part of what -- you know,
2 what I'm going to say. I'm going to talk about what
3 we do know about sharks, and then try to go through
4 this chronology of why last summer ended up being
5 the summer of the shark, according to Time magazine,
6 but in terms of actual numbers -- oh, I know what
7 the other point was. The big issue, the big focus
8 of all this is Florida and that our numbers
9 supposedly are climbing and we've got black tips
10 coming out of the water biting people and so on.

11 You know, two-thirds of the so-called
12 attacks, I'm not diminishing the severity of the
13 wounds, but two-thirds of these incidents occur in
14 one area of beach on the Florida east coast where
15 the surfers, God love them because they respect the
16 animals, but they decided to hold a surfing contest
17 in the middle of a feeding school of five, six foot
18 black tip sharks. You know, if you have a Little
19 League baseball game and you let the kids play in a
20 yard full of Rottweilers, you know, you might have
21 some kids getting bitten.

22 So, 21 of the 35 -- 34 incidents last
23 summer occurred as single bites on a hand or a foot
24 of a surfer in that one stretch of beach. And it

1 kind of inflates the numbers, and I think we've got
2 to do something about trying to take more
3 responsibility in working with local jurisdictions
4 so that these numbers don't get exaggerated.

5 But that's basically what happened
6 last summer. And what we're going to try to do with
7 this press club briefing is to get the information
8 out there and not to diminish the seriousness of
9 shark attack itself, but to make sure that people --
10 that the media by virtue of their own activities and
11 their own resources don't again exaggerate the
12 severity of it during the summer.

13 MARGO : Okay. Bob McAuliffe.

14 ROBERT MCAULIFFE: It's been so long,
15 I've almost forgot what I wanted to say.

16 UNIDENTIFIED: (Inaudible) -- talk
17 about alligators.

18 ROBERT MCAULIFFE: Okay. No
19 alligators. Well, we don't have those down there
20 anyway. We have some small problems with shark in
21 the Caribbean and again it goes back to the lack of
22 original data to NMFS and that again going back to
23 not having any data, we don't exist. But shark is a
24 primary food in the island. It is harvested. It is

1 sold.

2 Quite a few of the sharks that are
3 high up on the list for food and harvesting are ones
4 that you have prohibitive -- your Caribbean reef
5 shark, the sharp-nose, seven gill shark, the green-
6 eyed shark, the deep water sharks. We harvest these
7 day to day, sell them, eat them. But we also have a
8 jurisdiction problem in that a lot of federal waters
9 come -- the distinction between federal waters and
10 local waters is right there at the beach. A lot of
11 highly migratory fish are caught within 200 yards of
12 the beach. In fact, you can catch tuna right off
13 our Frederiksted pier, off the end of the pier, you
14 can go out and catch tuna and shark.

15 We need to get some program that
16 legitimizes what we do in the Caribbean as opposed
17 to what the rest of the country does. I know we're
18 very small and we're a constant thorn in your side,
19 but when one of our fishermen is out fishing and a
20 Coast Guard cutter intercepts him, and he may be
21 three and a quarter miles off the beach and he has a
22 shark or a swordfish in the boat, he's in trouble,
23 because we have not made adequate provisions for
24 them to be permitted properly. And that again is --

1 cannot be blamed on a fisherman because the
2 information doesn't get to that level.

3 NMFS federal government funds the
4 local government to do all of these things, but it
5 doesn't get done. There needs to be more
6 accountability between NMFS, the Councils and the
7 local government.

8 This is not the way I intended to
9 present any of this, but this is the way it's just
10 flowing out from what I hear. We just need to be
11 given more attention and at a higher level and a
12 lower level, all the way through it. Because if you
13 get just government people from our area, you're
14 going to continue to perpetuate what's happening.
15 The fishermen are not going to be represented.

16 That's why I'm sitting at this table,
17 because for years from the beginning of this whole
18 process the local artisanal fishermen have not been
19 adequately represented and we're the ones that
20 produce most of the fish.

21 In the whole Caribbean, you have one
22 longline permit existing. But in the tuna fishery
23 you have some -- in St. Croix alone, 27 dealer
24 permits. I'd wager with you that under that system

1 you have no reports, yet we are still harvesting a
2 large number because those permits were given out to
3 enable the fishermen to sell, but nobody really
4 educated them or followed up to see that there was
5 any reporting, so you haven't accomplished anything.
6 And we need to sit down and talk about this on a one
7 to one basis and work it out.

8 MODERATOR CHRISTOPHER ROGERS: Rusty.

9 RUSSELL HUDSON: Thank you, Chris.
10 Everybody knows that I'm involved with the directed
11 shark fisheries and I have several issues that I'd
12 like to make some statements about. It seems like
13 we bounce around over a couple different subjects,
14 and I'd like to follow up with Bob's thought, which
15 was going to be my lead-in to begin with on the
16 prohibited species.

17 I would be in favor of NMFS
18 revisiting the increased list of prohibited species
19 from '99, in particular five species of fish, shark.
20 The dusky needs to be removed from prohibited
21 species and have an exploratory quota set on it of
22 about 100,000 pounds might be a good place to start,
23 because it was the third most numerous by weight for
24 many of the observed years, and it is a significant

1 bycatch, as it's now labeled, in our fishery, which
2 had been very clean up until then.

3 There has not been a species specific
4 assessment done on the dusky shark, as should be.
5 It's been more or less proxied. And if you read the
6 August 31st, 2001 paper by Jack Musick and George
7 Burgess, you will see a very large increase in dusky
8 pups that's been noticed. Now, they obviously come
9 from adults, female duskie.

10 The other animals that I would like
11 removed from the prohibited species list and have an
12 experimental quota set on them, instead of an
13 exploratory quota like with the dusky, is the big-
14 nose, the Caribbean reef, the Caribbean sharp-nose
15 and the angel shark, all of which are significant
16 populations if you look at Compagnio's book, Sharks
17 of the World, you will find that the Caribbean
18 sharp-nose is viewed as one of the most common
19 sharks, period, in the Caribbean. And it should be
20 handled just like the Atlantic sharp-nose. In fact,
21 I don't even think there's many people in the world
22 that can differentiate between those two species
23 very readily, simply because they may be simply a
24 subspecie of the Atlantic. And I think Compagnio

1 even said that.

2 The angel shark, commonly bycatch
3 seen in the Mid-Atlantic states as well as out of
4 the panhandle of Florida. We have purse seiners
5 going off and catching large angel sharks, have
6 asked me to ask you for a quota, so that they can
7 have that to utilize for whatever methods and
8 markets they have planned for that. Because it
9 exists, and they're having to throw it away.

10 If you go to your International Plan
11 of Action, of which we have put together our
12 national version, and you look on page A2 of the
13 appendices of the SAFE Report, bullet number 8,
14 encourage full use of dead sharks. Bullet number 7,
15 minimize waste and discards from shark catches.
16 This would make sense. If you want to work with the
17 industry.

18 That is my feelings about prohibited
19 species that there was a wish list that went with
20 the dusky and the night shark and the sand tiger.
21 Sand tiger, I believe, is doing a little better than
22 some people want to give credit for, but that's
23 beside the point. It was put on back in '97, along
24 with the basking and the whale, and I don't have too

1 much of a difficulty with those animals to begin
2 with. Basically, I've been mostly interested in the
3 commercial viability of certain species that we
4 depend on.

5 If you look on the list of the
6 landings, in 1998 you have us down for 39,791 pounds
7 of sand tiger landings. That was a year after they
8 were prohibited. I'd like to know who's catching
9 them and who's identifying them, etcetera.

10 Earlier, we brought up a 4,000 pound
11 trip limit. We've been requesting a 6,000 pound
12 trip limit since the very beginning. One of the
13 things that -- and I can't recall if it's in the
14 August 2001 paper about the dusky, but one of the
15 ways to enhance the survivability of the dusky
16 sharks and other sharks is to reduce the soak time.
17 They found that after you got past a certain amount
18 of hours, that the mortality of dusks increased,
19 right on up to three quarters of the animals.
20 Whereas, if you reduce the soak time to -- I believe
21 it was below ten hours, you got it down to about
22 five to ten percent of the animals, which is a good
23 deal for the animals.

24 There's another statistic that has

1 been entered into this tables. It's on -- let's see
2 -- 8 dash 6, dealing with the Gulf menhaden bycatch,
3 which apparently is predominated with black tips
4 caught in April and May -- I don't know how many of
5 those are pregnant, carrying pups and stuff, but
6 three quarters of them are dead. And that's a
7 problem. And it works out to nine percent of our
8 total quota by weight that you all want to do dead
9 discards off the top with us on.

10 We have a problem with that, as well
11 as the coastal discards that you have listed. In
12 fact, one of the years, I believe we have 23,000
13 large coastal sharks, supposedly discarded by our
14 directed guys, and that's just not true. Even if
15 it's hammerheads, it's just not that many. So,
16 somehow, something is a little warped there and I'd
17 like to get to the bottom of that.

18 And the longline discards. I went
19 round and round with Jerry Scott about this and our
20 alternative catch history and stuff like that. In
21 '81, '82, '83, each year, 900 sharks total on the
22 pelagic longline bycatch? I can't buy into that. I
23 longlined during those years and I did that with one
24 40-foot boat for swordfish when we had the bycatch

1 of those sharks. And that was off of Florida and
2 Bimini and wherever.

3 So, I know those numbers are hurting
4 us when we go into the modeling. And we definitely
5 -- when Russ Dunn brought up the modeling and
6 wanting to have one model that creates this
7 hypothesis on just how big the populations of the
8 sharks are or aren't, well, we did have one model to
9 begin with in '93. It wasn't even given a chance to
10 work. It was an open population model and it got
11 eliminated in the '98 workshop, which was then
12 replaced by a different approach that these peer
13 reviewers on the independent review did not care
14 for. That was that production model. And that
15 needs to be revisited.

16 And then they have the demographics,
17 which gets us into another scenario about management
18 on ridgeback and non-ridgeback levels because you
19 have the situation where you're using a sand bar and
20 the ridgeback is a proxy for a tiger shark, and
21 that's wrong. Because if you know anything about
22 the number of pups that a tiger will have and how
23 fast that animal grows and how far it ranges, that's
24 not a correct approach.

1 It may be fine for managing, by using
2 ridgeback and non-ridgeback, to be able to
3 differentiate on the minimum size scenario. But
4 when you get into the non-ridgeback, using a black
5 tip as a proxy for any and all of the hammerheads is
6 totally wrong, especially if you're familiar with
7 the number of pups that are great hammerhead or a
8 scallop hammerhead can have. And so those
9 situations need to be worked out before we get into
10 that shark evaluation workshop.

11 The menhaden bycatch I spoke of a few
12 minutes ago, apparently they're working with a fish
13 excluding device. I want to see just how good the
14 results are before you all start docking off those
15 percentages. It's like those aquarium caught sharks
16 come off of our commercial quota. And these are
17 type of situations that have just gone on.

18 Nursery grounds. With nursery
19 grounds, if you want to read the literature that
20 goes right on back into the early part of the
21 century, and a man named Stewart Springer is very
22 good at having detailed a lot of information. The
23 COSPAN thing, I couldn't find a reference to
24 Chesapeake Bay. That bothers me. Delaware Bay is

1 good. There's a lot of sand bars there. There's a
2 lot of sand bars in Chesapeake Bay.

3 And there's also a lot of sand bars
4 not identified in the EFH work that NMFS did, and I
5 brought it up four different times, in the
6 Brownsville, Texas area. I know just how large
7 those animals get over there.

8 And the sand bars have a very
9 significant population. If we get back to the big-
10 nosed, where I wanted it off the prohibited species,
11 Stewart Springer even mentioned in his work that it
12 may have a population that rivals sand bar. Yet
13 because it's unknown -- and I have specifically sent
14 boats to fish for them. The problem is the carcass
15 dresses out about 90 pounds. You have to fish in
16 400 to 2,000 foot in the water on the bottom to
17 catch them most of the time. And you can catch them
18 quite well. Grade A fin, nice price in the market
19 if you can get people to deal with 90-pound
20 carcasses.

21 So, with these kind of scenarios, the
22 limited access situation, the last numbers I was
23 given were down to 238 directed permits, 398
24 incidental. I'd like to get that updated, if I

1 could, and that -- I don't know if I got that
2 exactly right. But we've got a decrease that's
3 occurred there. But in dealer permits, we still
4 have -- only had a decrease of two permits, down to
5 249 from 251. That means that there's still plenty
6 of people buying the animals.

7 We get into the situation of these
8 imports of frozen shark meat that is coming into
9 this country that has increased by a factor of five
10 to seven since '96, according to the SAFE report.
11 We got a problem there. Because our competition
12 next door is able to ship right into this country,
13 without any kind of -- you know, situation worked
14 out with us, the fact that we're sharing that
15 resource. And that's what we're hoping to get to
16 the bottom of at the upcoming shark evaluation
17 workshop.

18 Shark attacks. Yes, last year was
19 one less than the year before. The year before was
20 a record. If you go back to 1993, when the
21 management plan started, the average before '93 was
22 12 attacks per year recorded -- averaged out. If
23 you go after '93, it exponentially doubled, tripled
24 and quadrupled. And yes, my family's been in the

1 Daytona Beach, Volusia County area since 1870's, and
2 I can tell you yes, there are a lot of surfers on
3 the southside of the Ponce Inlet in Volusia County
4 that get nibbled on, ankle nippers as George Burgess
5 likes to describe them, for years, because they're
6 on the surfboard in that same area.

7 Now, let me clue everybody in to
8 something that has changed for the first time in 50
9 years on the east coast of Florida. We pushed the
10 shrimp boats outside of one mile starting the summer
11 of '97 for the first time in five decades. That
12 means that inside of one mile we've had no
13 commercial nets inside three miles since '95, no
14 bottom longlining since '92, and since '97 no shrimp
15 boats. What you have is sanctuary on the longest
16 coastline that a state has in this nation in
17 Florida. And that has increased the availability of
18 prey. And also with the fact that these large cuts,
19 both in implementing a management plan in '93 and
20 cutting the quota 50 percent to make everything
21 increase at a faster rate, is working, because you
22 have a substantial population of juvenile large
23 coastals as well as -- and that's reflected in the
24 August 2001 report of Musick and stuff about the

1 duskies, but you have a substantial increase of
2 those animals and you have less people on our
3 beaches in Volusia County because we have turtle
4 nests, we have prohibited a lot of driving on the
5 beaches and we have no corresponding parking up
6 there, so it's not a correlation between tourists.
7 We have less tourists for the last decade out of
8 Volusia County, rather than more.

9 But the problem is that when you get
10 -- like the child that lost his arm and stuff like
11 that, that's a bull shark. Bull shark, great
12 whites, tigers, have always been your top three
13 animals that have interacted with human beings and
14 leave a vicious wound if not a mortality in a lot of
15 cases. And that's what attacked up here. I believe
16 the boy back in '98 off Vero was maybe a tiger,
17 maybe a bull. There's still controversy over that
18 between a couple different people.

19 But the bottom line is that the
20 management plan is helping. The population of
21 sharks has been increasing. We do need to do
22 something about the 4,000 pound trip limit because
23 right beside me, as well as several other people I
24 can make an example of, people that are setting the

1 ten miles of gear, the 750 hooks, as basically
2 observed and averaged out, are catching double,
3 triple, quadruple trip limits.

4 Now, if you take the trip limit off,
5 we're going to start stringing 20 miles and we're
6 going to have -- take twice as long to haul all that
7 back, and then we still have to cut it how many
8 times to bring it back and forth? It would be nice
9 to be able to have a little more flexibility in the
10 system to allow for the harvest and the landings and
11 -- you know, the CPUE and everything else be worked
12 on with that situation.

13 I just really believe that if it is
14 the intent of NMFS, the shark academia that handle a
15 lot of stuff, to work with us instead of against us
16 -- in other words, quit hanging the bull's eye on
17 our back. We're one of five nations in the world
18 that manages sharks -- and we probably took the lead
19 -- out of 125 nations that trade in sharks.

20 We have a serious situation here.
21 You're putting us out of business. You've made us
22 marginal and you -- certain people make it out as if
23 we're about to catch the last shark any minute. If
24 you were to rely on the '98 workshop, black tips in

1 the Western Gulf of Mexico off Texas are almost
2 extinct. Any minute. You've got to shut Mexico
3 down and everything else, according to Ellen Pikitch
4 and Malcolm McAllister and everybody that ran their
5 Basian model over the closed population model of the
6 production model of Joe Powers.

7 And this is the kind of stuff that if
8 we're going to get realistic and work together, some
9 people consider me a shark specialist, expert, or
10 something. I was never contacted to be part of this
11 scenario that's going to be going on of how to get
12 the press to do the new spin on the shark attacks.
13 Whether it increases or decreases or whatever, the
14 bottom line is that no one -- and I repeat no one
15 likes the idea of being nibbled on by a shark, for a
16 simple reason. If you go there, they have their
17 regular menu. But if you go in the water, you're
18 now the special of the day. This is real simple as
19 you can make it. And if they happen the nail you,
20 you're going to be a statistic on George Burgess's
21 list.

22 And whether it's e-mail or whether
23 it's phone calls or whether it's whatever, hotels in
24 Daytona Beach for the longest time did not like the

1 press putting shark attacks, the ones that the
2 lifeguards never reported and the hospitals never
3 reported, in the newspaper, because it has a
4 profound effect on the number of bookings in hotels.

5 And I'll be glad to discuss any of
6 this in detail, but I just wanted to put all this on
7 the table. Thank you.

8 MODERATOR CHRISTOPHER ROGERS: Thank
9 you, Rusty. We have a few more speakers, but we've
10 really got to move on to observers. We do have
11 Vicky Cornish here with us from the Atlantic -- the
12 National -- I shouldn't say Atlantic -- in this case
13 it's a national program, National Observer Program,
14 and she wanted to speak to us on some of the updates
15 on that, as well as Margo was going to touch base
16 with you on some of our recent initiatives in
17 observer programs.

18 So, I have Dave, Rich Ruais -- was
19 your question answered, Rich?

20 RICHARD RUAIS: Yeah, pretty much. I
21 had the same concerns that Mark Sampson did about
22 trying to get some specifics on the outreach.

23 MODERATOR CHRISTOPHER ROGERS: Okay.
24 So, Dave, Mau, Joe McBride. I had -- Glenn Delaney,

1 did you want to still speak?

2 GLENN DELANEY: (Inaudible.)

3 MODERATOR CHRISTOPHER ROGERS: Okay.

4 And then Glen Hopkins. So, let's -- okay. We'll
5 have to cut it off there so we keep a little bit
6 closer to our agenda. So, Dave Wilmot.

7 DAVID WILMOT: Boy, it's good I wrote
8 down some notes before Rusty talked. I'm --
9 following Rusty is always a challenge. Let me begin
10 with reiterating a couple of points that Bob made,
11 just to add emphasis.

12 The movement towards species specific
13 management, he gave a wonderful analogy for all the
14 folks who sit around who care about the other
15 species on these panels. And I hope that you all
16 will also tell NMFS how much you support the logical
17 move as quickly as we can to species specific
18 management.

19 Also the low priority of sharks. To
20 give an analogy along the same line, could any of
21 you who work on tunas, marlin or swordfish imagine
22 on the 2nd of April you find out there's going to be
23 an assessment that's going to be done in June, but
24 you're not sure of the date yet. We schedule

1 assessments for these major species a year in
2 advance, so that data can be pulled together, so
3 that people can organize their travel.

4 So, there's going to be an assessment
5 in June and we don't know when it's going to be.
6 That's -- it's wholly unacceptable. It definitely,
7 very clearly shows that sharks are a very low
8 priority. Not that Jerry Scott and the folks at the
9 Southeast Center don't care, and not the folks
10 sitting at the Division don't care. But the fact
11 that this could happen indicates that it's much
12 lower priority. That has to change before this is
13 going to get significantly better.

14 I won't debate the sensibility or
15 legality of the settlement, or the quality of the
16 independent review. I think everybody's hands are
17 tied right now because there is litigation still in
18 action.

19 What I would point out, for everyone
20 who doesn't pay as close attention, this puts us
21 back to 1997, and contrary to the only statement
22 that's been made regarding the effectiveness of the
23 management plan for anyone who has an objective
24 piece of cartilage anywhere in their body that would

1 recognize that we still face serious challenges with
2 the sustainability of many species of sharks. And
3 we're back at 1997.

4 Whether you believe the 1998
5 assessment, just go back and look at what we knew in
6 1997. A lot of sharks were in trouble, which
7 indicates that a lot of sharks today are still in
8 trouble. So, I cannot for the life of me understand
9 why you guys decided to suspend regulations that
10 were not required under the settlement agreement.

11 For example, counting bycatch against
12 the quota. Why would you not want every source of
13 mortality in this fishery counted against the quota?
14 Why would you not want to count quotas that from the
15 fish caught in state waters after a federal closure
16 has been put in place because the quota has been
17 met? I do not understand it and I hope we do have
18 enough time for you guys to give us an explanation
19 for why you would suspend all of the regulatory
20 measures that we went to great trouble to try to
21 work out in putting this FMP together, when it's a
22 species that we -- a group of species that we know
23 are in trouble.

24 The independent review did not tell

1 us that we can all go to sleep and not worry about
2 the sustainability of sharks. There are indeed some
3 debates about the methodology, etcetera, that we
4 hope are resolved in June. But we still have
5 sustainability problems that have just been brushed
6 over by the agency. And I really don't understand
7 why the sense of urgency is completely removed now.

8 Let's see. Just a couple of
9 additional, very quick items. Observers. I
10 understand there are more dollars. That's
11 wonderful. The observer program is extremely
12 important. Please try to continue to make that a
13 priority.

14 Thank you for the work on finning.
15 It has taken a long time, but you deserve a pat on
16 the back for finally getting the regs out. That's
17 great.

18 A quick answer to Glenn. The ICCAT
19 resolution is a very good resolution. I won't go
20 into the details. Hopefully John Graves will
21 mention it when he talks about ICCAT. ICCAT really
22 does have a role to play here on data collection and
23 organizing the assessments. And they have taken
24 that on. I think that they deserve credit for that.

1 The United States deserves tremendous credit for
2 leading on this issue. No one else would have
3 really been raising it. Although we did find
4 surprising support for sharks there.

5 However, the pelagic assessment is
6 not going to happen until 2004, and only for a
7 couple of species. So, I would hope that the United
8 States is going to continue to find every
9 opportunity to advance this issue in advance of that
10 assessment in 2004 through ICCAT. We do have
11 indications, whether it's Bob's new paper or other
12 sources of data, that indicate that again we have
13 reason to be concerned with some of the oceanic
14 species, not just the large coastals.

15 We're really thrilled to see that the
16 small coastal assessment is going forward. The MOTE
17 folks have been doing a really good job putting that
18 together, and it sounds like there may even be some
19 good news that comes out of that, and that's
20 excellent.

21 I would like to close by just
22 reiterating Sonja's point of the need for more
23 vision here. When we are dealing with species that
24 indeed so many of them have proven to be very

1 vulnerable -- (end of tape).

2 UNIDENTIFIED: -- very simple to do
3 and very inexpensive to do, and I don't see why most
4 states, unless they don't want to enforce a law, why
5 they wouldn't assist in doing this. It's good for
6 the fisheries. It's good for the economy of the
7 areas, and I think it's very simple to do at minimal
8 cost to the agency.

9 The second thing, which is probably
10 just as important as the enforcement, is the
11 publication of your results. The New York State DEC
12 in the MRAC manuals and publications go out -- I
13 think it's monthly -- puts in there a separate
14 category as what they've done in enforcement for the
15 -- you know, that period of time. And you could do
16 that very easily, also, either through your own
17 publications and/or through some of the other
18 agencies that work with you, such as IGFA and things
19 of that sort, that would be glad to put this
20 information out so that the public has respect and
21 knowledge of whatever your laws are. So, thank you.

22 UNIDENTIFIED: Okay. A couple of
23 comments. One, I just support Bob McAuliffe's plea
24 to pay a little more attention to the Caribbean. In

1 many respects that's an area of our nation that has
2 always been sort of the square peg in the round hole
3 and we need to accommodate the unique realities that
4 exist down there in many ways, including the
5 fisheries and artisanal type fisheries that occur
6 there just don't fit with the larger scale
7 commercial and recreational fisheries that we're
8 used to dealing with.

9 And I think we need to stop making
10 criminals out of these people and embrace the
11 cultural and economic realities that exist down
12 there. And I'm sure it wouldn't be too hard to find
13 some volunteers to go work down there.

14 I wanted to ask Bob Hueter a couple
15 of questions. One, Nelson and I just wanted to
16 clarify something you said about your recent study.
17 I think I heard you say the data was collected in a
18 fishery independent manner, so that may answer our
19 questions.

20 Nelson had raised a concern that a
21 change in gear type would reflect a substantial
22 reduction in CPUE on blue sharks and other species,
23 presuming, and that that might be misinterpreted in
24 some of the science. But if yours is fishery

1 independent, I presume you used a consistent gear
2 type and hook type and leader type throughout your
3 data collection. And so that wouldn't be an issue.

4 ROBERT HUETER: Yeah, you're right.
5 The value of this study was that this particular
6 vessel used exactly the same gear for --

7 UNIDENTIFIED: As any good scientist
8 would do.

9 ROBERT HUETER: -- almost 25 years.
10 And not only was the same gear used, the same bait,
11 the same captain -- they changed crews, of course,
12 but I mean it's just a remarkable program. It's a
13 small-scale program. It's only a two mile long
14 line, 200 hooks, but because it was deployed, you
15 know, hundreds and hundreds and hundreds of sets
16 over those years, in exactly in the same way and the
17 same places, we feel like the database is very, very
18 robust.

19 UNIDENTIFIED: Did that occur within
20 our EEZ?

21 ROBERT HUETER: Yes.

22 UNIDENTIFIED: Okay. Then the second
23 question is I presume -- I don't know a lot about
24 blue sharks, biology and natural history of them,

1 but I presume we're discussing them here because
2 they do have some significant migratory behavior;
3 correct?

4 ROBERT HUETER: Yes, and that's a
5 part of what we discussed in the paper that -- you
6 know, there's conflicting information from the U.S.
7 pelagic longline fishery and the Japanese data and
8 even the recreational fishery about whether blue
9 sharks are going up and going down. And we
10 discussed that in the paper that I think -- we think
11 that it's part of the conflict is because these
12 various fisheries are fishing on different segments
13 of the population. And there's definite segregation
14 of blues by sex and by time of year and -- that's
15 gone into in the paper. I'm going to make some
16 copies for --

17 UNIDENTIFIED: Yeah, I'd like to see
18 it. Because I guess the question --

19 ROBERT HUETER: I'll have a number of
20 copies made for anybody else who might be
21 interested.

22 UNIDENTIFIED: The question I was
23 going to lead to is it likely in your mind that
24 intensive blue shark directed fisheries that tend to

1 be, I guess, more on the eastern side of the
2 Atlantic, would that likely be reflected in
3 populations that you have sampled in the western
4 Atlantic?

5 ROBERT HUETER: Ultimately yeah,
6 because we think that it's one big population.

7 UNIDENTIFIED: It is, okay.

8 ROBERT HUETER: That what we're
9 basically seeing in the Northwestern Atlantic in the
10 summer are predominantly males. Not too many mature
11 females as the water gets warmer and those mature
12 females are going to the eastern Atlantic and the
13 main pupping ground of the blue shark is off of
14 Europe. So, yeah, I think it's one big population.

15 UNIDENTIFIED: Your science should be
16 submitted to ICCAT, as well.

17 ROBERT HUETER: I'm happy to provide
18 them a copy of this paper and any other data that we
19 have.

20 MODERATOR CHRISTOPHER ROGERS (No
21 microphone): Glen Hopkins (inaudible).

22 GLEN HOPKINS: I just had a couple
23 things and I'll be brief. I am a directed shark
24 fisherman. I've been doing it for 18 years. So,

1 I've seen the good times and I've seen the bad times
2 where I was worried and now I'm seeing the good
3 times again, in my opinion, based on everything I've
4 seen.

5 A couple of points I wanted to get
6 was -- talking about minimum size and when this was
7 first -- originally done and everything else, it was
8 the same argument as what Bob said about the makos.
9 We did not target small fish and any time we catch
10 small fish, if they're alive, they're thrown back
11 alive. If they're dead, we bring them in and that's
12 the only reason. It's impossible to always miss the
13 small fish. Sometimes you make sets and make the
14 same set day in/day out, and then all of a sudden an
15 influx of small fish comes in. So, I think all
16 you're going to do there is more waste. And that's
17 the thing that everybody in my industry despises is
18 any kind of waste.

19 Something was mentioned about the
20 latent effort. There is a lot of permits out there
21 that aren't currently being used, but as the shark
22 populations continue to increase, I think what
23 you're seeing and what I've already seen in my area
24 is these guys that aren't using them, there's other

1 guys that are getting interested in the fishery, so
2 they're buying into a permit and -- an inactive
3 permit and now we're seeing more active permits.
4 So, that is something you should probably look at.

5 Getting to the Sea Grant thing, what
6 I suggest they put on there is tell people not to go
7 in the water, because unless something changes,
8 there's no way there's not going to be just as many
9 attacks, if not more, I don't think -- unless what
10 we really need to go is go in and take some of these
11 bigger animals out of the coastal zone. The bull
12 shark primarily I'm talking about.

13 Closing the state waters was a good
14 idea, but that's like a big swipe. Now we need to
15 pinpoint it, perhaps, let guys fish in state waters
16 for say the month of July or something, when --
17 those times, at least up this way, there's not many
18 immature fish in close anyway. And if you take some
19 of these animals out, then you are going to have an
20 impact on the chance of interaction.

21 Just really what I'd like to say,
22 too, is I think NMFS has done a good job with the
23 sharks. Like I said, I've seen it come and go, and
24 it's coming back again. And as I preached for the

1 last several years, and you're finally doing it, is
2 take it internationally. Domestically I feel like
3 you've done a pretty good job. And you need to -- I
4 know people are worried about sharks in other areas
5 and they look good here and -- take it where it's
6 needed. Thanks.

7 RAMON BONFIL: I'll just take a quick
8 minute to try to clarify some technical points that
9 were raised by some of the previous speakers.
10 Related to the issue of proposing to delete from the
11 prohibited species list some of the sharks, such as
12 the dusky shark, that is obviously I think a very --
13 it's not a time to do that thing. I think we have
14 to wait.

15 If really the data show that there
16 has been any increase in the abundance of juvenile
17 dusky sharks, we have to think that these are just
18 juveniles. This species takes 21 years to reach
19 maturity. We have to let those -- if in fact
20 there's an abundance in those juveniles, we have to
21 let them grow and reproduce. So, we have to wait at
22 least 25 -- 21 years to make some statement about
23 okay, these sharks are back in a healthy state.

24 Remember that dusgies were listed

1 because they had reached a level that was much lower
2 than 80 percent reduction from their original
3 biomass. And obviously in the last two or three
4 years, we cannot even think that the population is
5 rebounding to probably 50 percent of the original
6 biomass, which is the desirable level to have any
7 healthy fish population to be exploited.

8 So, we should not forget what is the
9 goal where we want to go. We want to rebuild
10 populations to the MSY level, the best level that is
11 going to provide you guys with the largest
12 sustainable catches for years to come.

13 So, I understand that you have your
14 concerns about the viability of the fisheries, but
15 let's not jump too quickly into -- just because the
16 last two years we saw an increase in Species Y or X,
17 okay, let's take the species out of the prohibited
18 list. I think we'll have to be a bit more cautious.
19 And that is basically one important thing.

20 We have made mistakes in the past by
21 taking action before doing an in-depth study of what
22 is the situation of the species. It was also
23 mentioned that Caribbean sharp-nosed sharks are so
24 abundant because Compagnio said that in '84. That

1 was 20 years ago. And the data that probably was
2 used in that was a very -- information.

3 If we really want to go and start
4 fishing Caribbean sharp-nosed sharks, the first
5 thing we have to do now is do a complete assessment
6 of what is the level of the population, what is the
7 level that we can harvest, what is the best harvest
8 regime, and then we can proceed to fish. But we
9 cannot just jump and say okay, somebody told me 20
10 years ago that there's a lot of those sharks, let's
11 go fish them. No, we have to learn from our past
12 mistakes and we have to do things in a precautionary
13 -- under a precautionary system.

14 The other thing I wanted to mention
15 about the problem with the shark fishery in Mexico.
16 Yes, there has been again -- information about the
17 great numbers of sand bars or black tips that are
18 fished in Mexico. Unfortunately, the data -- the
19 information we have at the moment on the rates of
20 exchange between U.S. and Mexican populations is not
21 good enough to really know how much is being -- of
22 our fish is being harvested there or of their fish
23 is being harvested here.

24 Black tips are one good example.

1 They're not only born -- they're not U.S. black
2 tips. There are nursery areas in Mexico, so if you
3 want to look at the problem is, okay, are they
4 Mexican black tips or are they U.S. black tips? So,
5 we have to look at things in a much greater scale
6 and we have to do more research. So, just trying to
7 say okay, let's shut down the Mexican fishery, no, I
8 don't think that's the way. The way is more
9 research with the Mexican scientists and try to
10 understand what is the real situation of the
11 exchange of populations between the two countries.

12 Finally, a little note on ICCAT.
13 There has been a -- I think there's an unfortunate
14 good feeling here about what has happened in
15 relation with pelagic sharks and ICCAT. I went to
16 both of the meetings last year and this year that
17 have examined the possible assessment of pelagic
18 sharks in ICCAT and also in ICES.

19 Unfortunately, the mood in those
20 meetings is not as positive as it has permeated to
21 this arena. Most of the people who went to those
22 meetings were very enthusiastic, but there was a
23 large part of the people that are needed to do the
24 assessments not present.

1 There are scientists with data from
2 many countries, mainly European countries, that
3 don't show up to these meetings. And this is what
4 caused that assessment instead of being planned for
5 this year, which was our original purpose, got
6 delayed until 2004.

7 And blue shark assessments have been
8 tried to be done in ICCAT for several years, and
9 they keep being delayed. And every time we go to
10 the meetings and everybody sits around and says
11 well, do we have enough data? No, we don't have
12 enough data. Okay, let's try in three years, let's
13 try in three years.

14 Really, it's not -- the outlook is
15 not as nice. I'm afraid that in 2003 we're going to
16 sit down again around the table and everybody's
17 going to be saying well, do we have enough data, no
18 we don't, let's do it in 2006.

19 What I would urge the U.S. delegation
20 of ICCAT to do is to put much more pressure and
21 maybe try to find together with ICCAT secretary a
22 good way of convincing the other countries to come
23 down to the table with their data, to allocate the
24 time and the resources for the assessment, and maybe

1 -- I don't know, if it is a problem of the meeting
2 being in Canada that prevented the Europeans to come
3 all the way here because it was expensive, or if it
4 was chosen at the wrong time of the year, but I'm
5 sure if there are ways to convene a successful
6 assessment meeting if the U.S. delegation takes the
7 leadership and maybe puts some financial resources
8 into that, maybe it could happen.

9 An example would be to choose a good
10 date in Sicily, maybe, or in Montedale (phonetic),
11 or someplace in Europe where the Europeans won't
12 have to travel all the way to this side of the
13 Atlantic, just as an idea.

14 And finally, one quick question.
15 White sharks are listed in the prohibited species,
16 yet in the tables presented in the SAFE Report, I
17 see there are at least 80 something sharks being
18 landed. How is it possible that a species that is
19 prohibited is being landed?

20 MARGO : Those tables are listing
21 species as they have been reported. And so the fact
22 that they've been reported is the reason that
23 they're there. The fact that they may have been
24 illegally caught and harvested is a separate issue

1 from what that table is.

2 RAMON BONFIL: So, we don't have any
3 monitoring or enforcement?

4 MARGO : We do have some. We do have
5 some. There's also potential that they were
6 misidentified, so --

7 RAMON BONFIL: White sharks, okay.

8 MARGO : Or landed in state waters.
9 That's another point, too, is that fishermen that
10 fish exclusively in state waters are not bound by
11 federal regulations, so -- and we do get state
12 landings data. So, there are any number of reasons
13 why that's there, some legal, some not.

14 UNIDENTIFIED: Chris, can I just say
15 something about the ICCAT thing that Ramon brought
16 up?

17 MODERATOR CHRISTOPHER ROGERS: We're
18 going to have to move on to our observer discussion.
19 We can pick up sharks a little bit later, but I did
20 invite Vicky over from headquarters to help us with
21 our observer discussion and she's been sitting
22 patiently for over an hour now. So, at the risk of
23 losing her expertise, let's just quickly jump into
24 our observer discussion and then maybe we could just

1 pick up a little bit of sharks after lunch, if John
2 Graves is willing to cede 30 seconds of his time.

4 HMS OBSERVER ISSUES

5 MARGO : All right. I'm going to try
6 and go through this quickly. I think you should
7 have received this. It was on the back table, and I
8 think it was supposed to be in your packet. So, see
9 if it looks familiar.

10 What I'm going to do is just run
11 through some of the regulations, as well as some of
12 the issues that we've encountered. And Vicky, I
13 think, will touch on some of the funding and the
14 issues from a national perspective.

15 And so just -- the way that things
16 work is that HMS permitted vessels may be selected
17 to carry an observer. Right now, the HMS charter
18 head boat and tuna angling category are considered
19 voluntary programs and if people offer up -- we
20 would request that they do so and we would try and
21 place an observer.

22 All of the other permitted fisheries
23 are under a mandatory observer program, meaning that
24 if you are selected, you must carry an observer, and

1 there are a series of regulations that follow from
2 that.

3 And permitted vessels must comply
4 with these regulations as well as U.S. Coast Guard
5 and NMFS safety regulations.

6 When selected, you must carry the
7 observer. You must also notify NMFS of any HMS
8 trips. The details of the notification would be in
9 writing, a phone call, 48 hours in advance, 24 hours
10 in advance, are in the selection letter. Selection
11 letters are generally sent via certified mail to
12 serve as a notice. And you may not fish unless the
13 observer has embarked or unless you are issued a
14 waiver. If you -- you may get a waiver from Dennis
15 if an observer is not available or for some other
16 issue.

17 Now, when an observer is on board,
18 regulations require that food and accommodations
19 similar to that provided to the crew are afforded to
20 the observer. This includes bunk space, things like
21 that. Allow access to the communications equipment,
22 navigation equipment, as well as to the bridge decks
23 and fish holds for inspection, so the observer can
24 identify where the vessel is, communicate with shore

1 as necessary, and also see what's coming aboard.
2 Observers are there to observe, and so they need the
3 access in order to perform their function -- as well
4 as viewing access to the vessel log for the same
5 reason.

6 And of course it is prohibited to
7 assault, impede, obstruct, and there's any number of
8 other verbs associated with this, with an observer.
9 So, basically you have to not get in their way and
10 not prevent them from performing their function.

11 Now, some of the safety requirements
12 that follow from the Coast Guard as well as NMFS,
13 these apply to all commercial vessels for which
14 there is a mandatory observer program. And so that
15 is basically all of them except for the HMS charter
16 head boat and tuna angling.

17 And a current commercial fishing
18 vessel safety decal must be displayed. These are
19 obtained by the Coast Guard and they're issued for a
20 two-year period. No observer will be placed on
21 board a vessel that does not have a safety decal.

22 And vessels without decals that are
23 selected for coverage may not fish until they either
24 get the decal or are issued a waiver. The safety

1 decals are free. Basically all you have to do is
2 schedule one with the Coast Guard. We have provided
3 a list of the examiners in terms of their locations
4 and contact information to permit holders, and we
5 should have some in the back, as well.

6 What they're going to be looking for
7 are whether the vessel has personal flotation
8 devices or immersion suits, ring buoys, distress
9 signals, EPERB's as well as survival or life raft
10 big enough for all of the people that are on the
11 boat. And survival rafts must be large enough to
12 accommodate the observer. And this has been an
13 issue.

14 And so a large number in the fleet do
15 not have safety decals. This regulation has been on
16 the books for some time and we continue to have any
17 number of boats that have not complied.

18 Another issue is for vessels that
19 have gotten the decals that normally run with the
20 captain and three crew have gotten a four-man life
21 raft, and when the observer is aboard, that's five.
22 So, one of the issues from the boats is that they
23 need a bigger life raft, and this is no small
24 expense.

1 Insurance continues to be an issue.
2 People have concerns with taking an observer on
3 board, that they claim the liability concerns, and
4 don't want to be liable. And some -- the problems
5 that some vessels simply cannot get insurance, and
6 so how we deal with that for vessels that have not
7 gotten the insurance, we obviously encourage them to
8 do so, and NMFS will purchase a rider for that trip
9 for the observer to cover the observer liability
10 issue.

11 And so -- some of the other --
12 notification, vessels not calling in or calling in
13 too late to get an observer. This has been one of
14 the issues in the shark fishery. And so we're
15 continuing to work with the observer coordinator,
16 the vessels and enforcement on getting the word out
17 that this is a real requirement and compliance is
18 very important.

19 And lastly, this has been an issue
20 also in the shark fishery. There is a female
21 observer and some of the vessels have had some
22 issues with that. And to that end, it's the law
23 that equal opportunity is the law. So, we've got to
24 accommodate that and an observer is an observer.

1 And so that I think is all I've got.
2 Like I said, I just wanted to lay it out and have
3 this mostly be a discussion format. And with that,
4 I will turn it over to Vicky, who wanted to talk
5 about funding.

6 MODERATOR CHRISTOPHER ROGERS: Yeah,
7 Vicky, if you could come up here and just give us a
8 brief update. We have had some new funding in the
9 last two budget cycles with respect to observers,
10 particularly focusing on Atlantic coast issues. And
11 Vicky has been instrumental in getting an approved
12 spending plan.

13 VICKY CORNISH: Thank you. One of
14 the objectives of the National Observer Program,
15 when it was developed a couple of years ago at the
16 request of the National Marine Fisheries Service
17 Executive Board, was to focus in a coordinated way
18 some of these national initiatives like budget and
19 insurance and some of the things that we've been
20 grappling with on a regional basis, but really
21 haven't been able to fix.

22 So, from a budget perspective, we've
23 been developing budget initiatives in the last
24 three, four years, and thankfully those budget

1 initiatives have been very successful. And we've
2 seen very large increases or -- to me, significant
3 that we have any increases in the last three years
4 in our budget for observers.

5 So, these have been nationwide
6 increases, targeted at very specific fisheries in
7 most cases, but in 2001, we had an increase of about
8 7 million dollars for observer programs nationwide.
9 And three -- almost three and a half million were
10 for Atlantic coast observers.

11 And we developed a spending plan that
12 included many fisheries within that Atlantic coast
13 observers fund. It was a nice break from tradition
14 for us to actually have discretionary funds which we
15 could say what are our highest priority needs within
16 the National Marine Fisheries Service, let's direct
17 the funds towards those highest priority needs.
18 Although there were some tags on that money to deal
19 with specifically turtle issues and specifically --
20 you know, make sure that there was funding for the
21 longline fishery.

22 So, starting in 2001, we did get
23 about a million and a half -- we targeted about a
24 million and a half of that three million for

1 increased coverage in the pelagic longline observer
2 program.

3 And the funds came kind of late in
4 the year, so we actually didn't get a big increase
5 in observer coverage in 2001, but those funds are
6 now being used to increase the coverage from about -
7 - I believe about three or four percent is what
8 we've had over the years historically -- it's kind
9 of gone up and down with funding, but we're
10 targeting about eight percent coverage in that
11 fishery in all regions and all strata. And so
12 that's the target that we're trying to achieve with
13 those increased funds.

14 The other HMS fishery that was
15 targeted as part of the Atlantic coast observer
16 funds was the shark drift net fishery off of Florida
17 and Georgia, and that fishery had been -- had not
18 had consistent funding and now it is being funded at
19 about 300,000 a year, which provides 100 percent
20 observer coverage during the right whale critical
21 habitat time of November through March, and about 50
22 percent coverage for the rest of the year.

23 So, those are the good -- that's the
24 good news for observer coverage in at least those

1 two fisheries, and there's been -- that coverage has
2 also targeted increases in trawl fisheries in the
3 Mid-Atlantic, New England and the Gulf of Mexico.

4 In 2002, we did see increases in
5 other areas, and I can -- you know, give you the
6 details. I wasn't sure how much detail that we were
7 looking for. In 2003, we have another increase in
8 our present request for about three million dollars
9 for increased coverage. And again, this is a
10 nationwide increase, so three million dollars
11 nationwide doesn't go very far. But we are trying
12 to do -- trying to incrementally increase our
13 program.

14 We have a long-term vision for where
15 we want to go. It is not 100 percent mandatory
16 coverage on every vessel. It's a more intelligent
17 approach, which includes looking at the statistical
18 viability of the data that's being collected, what
19 are the appropriate coverage levels for the
20 questions that are being asked.

21 We have to prioritize fisheries,
22 obviously, for observer coverage and we're not going
23 to be able to completely cover with government funds
24 all the fisheries that we'd like to cover, but at

1 least in a nutshell that's where we're headed.

2 If there's any more specific
3 information, I can answer any questions you have.

4 MODERATOR CHRISTOPHER ROGERS: Russ
5 Dunn.

6 WRESTLE DUNN: Thanks for that. Just
7 two quick questions, sort of a little bit of nitty
8 gritty here. It sounds like a good portion of the
9 money for the longline fleet and the turtles and the
10 shark drift gillnet fishery comes out of the
11 Atlantic coast observers sort of line item. My
12 question is does it all come from there and if not
13 where does the rest of it come from for those
14 fisheries?

15 And the marlin tournament observer
16 coverage, is that going to be covered under the
17 observer line or under sort of the other reporting
18 programs that are out there, like MRFSS, etcetera,
19 etcetera?

20 And then the national program, can
21 you give me just a quick idea of the dollars that
22 are in the national program line item rather than
23 the individual breakouts for like the Atlantic coast
24 observers? I think, if I remember correctly, that

1 was about a four million dollar line. Where do
2 those dollars go? Is that for infrastructure stuff
3 or is that a pool of money that can go toward
4 observers in places where they may be needed
5 unexpectedly?

6 VICKY CORNISH: I can answer the
7 first of the questions with respect to the funding
8 for the longline fishery. I'm not sure about white
9 marlin, but I have some comments about MRFSS
10 expansions into observer programs.

11 The longline fishery has had various
12 amounts of funding that's been targeted for it under
13 a line called the East Coast observers. And that
14 started out I think the first year, it was around
15 750, but it's been reduced over the years, and right
16 now -- or for the last few years, it's been about
17 350.

18 So, we add that to the increased
19 funding that came from the Atlantic coast observers'
20 funds to make a total of a million and a half
21 dollars. And then there's some additional funds to
22 put observers in the northeast distant during the
23 experiment that runs in the fall.

24 So, that's -- it was -- I can't

1 remember what the funding was last year, but it's
2 about 300,000 this year to fund that experiment just
3 for the observer coverage.

4 The coverage of the white marlin
5 fishery, I'll let Chris answer that, but I just want
6 to note briefly that the MRFSS contract this year
7 has -- includes some observer coverage. And so I'm
8 not really sure exactly -- I haven't had a chance to
9 sit down with the MRFSS people and see where that
10 money might be targeted, but there is some money in
11 there for covering some recreational fisheries and
12 we also have that as a part of our initiative for
13 future years is to cover some recreational
14 fisheries. And I'll answer the third part after
15 Chris.

16 MODERATOR CHRISTOPHER ROGERS: Okay.
17 That is sort of the same question that Dave Wilmot
18 posed yesterday with respect to research. The
19 sources of funding are many and the way they get
20 filtered through the agency and spent are somewhat
21 diffuse. And we need to do a better job. And I
22 believe Jack committed to that yesterday, that we
23 will do a better job not only with identifying how
24 research money is spent, but also the observer money

1 is spent.

2 It has been sporadic over the years
3 as to moneys appropriated specifically for the
4 division, under the Atlantic Highly Migratory
5 Species program, or moneys that have been directly
6 allocated under the operating funds for the Centers
7 or the regions.

8 We do rely on Center folks for
9 running the program. Dennis Lee heads up the
10 pelagic longline observer program. We do the shark
11 bottom longline observer program via a grant from
12 the HMS funding to the University of Florida, George
13 Burgess. And we use John Carlson, another Center
14 employee, to help manage and coordinate the shark
15 drift net.

16 So, the short answer is it's a very
17 diffuse channeling of funds from various sources to
18 get to the right programs and certainly we do
19 recognize that not all of the observer needs are
20 being met in the HMS program and we're hoping that
21 this HMS review that I have referred to yesterday,
22 that Doctor Hogarth had undertaken, will help
23 identify the various ways that HMS programs are
24 accomplished with the various line offices and the

1 amount of money that's spent and have some clear
2 guidance on coordinating, leveraging the funds,
3 making sure that our targets are met.

4 So, I don't think that really answers
5 your question, Russ, but we will do a better job in
6 -- not only from the research perspective that David
7 inquired about yesterday, but also from the
8 implementation of logbook programs and observer
9 programs for next year's SAFE Report. And hopefully
10 have more information available to clearly identify
11 what's going on in the big black box of NMFS
12 funding.

13 VICKY CORNISH: With respect to
14 National Observer Program funding, the way we
15 structure our initiatives is we ask for the funds
16 under a National Observer Program line and that is
17 for sea days. So, it is basically our attempt to
18 try to get some discretionary funds to place the
19 observers wherever the highest priorities are.

20 When we develop these budget
21 initiatives, many times we identify what those
22 priorities are, but we don't ask for them to be
23 provided to us or appropriated to us in those
24 specific line items.

1 In the 2002 budget, there was 750K
2 designated for the national observer program, but it
3 was for the incorporation of National Standards.
4 So, that we have not devoted to sea days. We're
5 trying to get at some policy issues, some
6 standardization issues with those funds, develop
7 some surveys, look at video technology, other kinds
8 of technology for enhancing and supplementing
9 observer coverage.

10 MODERATOR CHRISTOPHER ROGERS: Okay.
11 We've got a number of folks on the list here to
12 speak. We did schedule lunch from 12:00 to 1:00.
13 John Graves does have some commitments and needs to
14 get out of town.

15 What we're going to do with respect
16 to his ICCAT presentation, since many of you folks
17 are parties to the other committee, the ICCAT
18 Advisory Committee and have a sufficient update,
19 John is still planning to go on at 1:00. For those
20 of you who feel that you're well-versed in what
21 happened at ICCAT and the outcome of the spring
22 ICCAT Committee meeting, I guess you can be excused
23 for the 20 minutes and have a little bit more time
24 for lunch. For those who are interested in getting

1 an update on ICCAT status, it will go on at 1:00.

2 So, let's just cut off in the next
3 ten minutes on this observer. Again, we can pick
4 this up again at some point later in the afternoon
5 to finish up on that shark discussion as well as
6 observer issues. So, I'll just go down the list
7 here. Peter Weiss.

8 PETER WEISS: Yeah, I just have a
9 question. Who are the observers? I mean, how do
10 you find an observer? How much do you pay them?
11 And how do you know that they're not being taken in
12 by the boat -- by the captain?

13 I mean, you know, it's pretty tough
14 for an observer to -- and I know some cases where,
15 you know, things have happened on these boats and
16 the observers just don't observe when they don't
17 feel like observing when they should be. And how do
18 you monitor this whole thing? Can you tell me that?

19 VICKY CORNISH: Observers are
20 typically -- our hiring standards for observers are
21 typically bachelor's degree biology graduates. They
22 come from all over the U.S. Sometimes they've been
23 on vessels before. Sometimes they haven't. But
24 they're all biologists in training.

1 They get paid primarily a GS5 Step 1
2 equivalent, which is about -- I guess about 25 grand
3 a year. But it's rough trying to translate that,
4 because when an observer is on a vessel, they'll put
5 in eight hours of regular pay -- you know, regular
6 day plus whatever extra hours they put in as part of
7 the sea day, so that could be eight hours or it
8 could be 10, 12, 14, however long your fishing day
9 is is how long the observer day typically is.

10 We have very high standards for
11 observers. We in some cases -- those standards are
12 outlined in regulation, but they're always conveyed
13 to the observer during training. This is what your
14 expectations are. You're an agent of the National
15 Marine Fisheries Service. You're expected to
16 conduct yourself in a professional manner.

17 We cannot monitor those observers at
18 sea, and we are trying to -- well, in some fisheries
19 where we've had complaints, we're trying to do more
20 of an outreach with the fishery to find out -- you
21 know, about the conduct of the observers. But I
22 don't think that that has been a huge issue for us
23 in the last couple of years. Observers are
24 generally very self-motivated and have high

1 standards for themselves, especially their willing
2 to take on extra projects, collect extra samples.
3 And so what we find is primarily a very motivated
4 work force.

5 They are required to sign
6 confidentiality statements. They're not allowed to
7 talk about -- all the data they collect, they turn
8 over to us. They don't keep anything in original
9 form. And they are instructed not to discuss what
10 they see on a vessel with any other vessel or
11 observer.

12 It's hard when you're in a bar and
13 you need to download with another observer. We tell
14 them, you know, to please try to keep it to within
15 either the National Marine Fisheries Service staff
16 or somebody that you feel the need to download with,
17 but not to discuss what you've seen on one vessel
18 with another vessel, and we will get rid of an
19 observer if we find that they have breached that
20 standard of conduct.

21 MODERATOR CHRISTOPHER ROGERS: Dave
22 Wilmot.

23 DAVID WILMOT: Yes, you stated that
24 you had a long-term vision. You said that was not

1 100 percent observer coverage, but it was something
2 smarter. I would argue that 100 percent is
3 certainly not practical, but I don't know that we
4 could argue it's not very accurate, because whenever
5 we're in a critical situation with Endangered
6 Species Act, Marine Mammal Protection Act, or when
7 we need to observe rare events, we certainly do put
8 100 percent observer coverage on boats.

9 But I'm really intrigued if you could
10 tell us what the vision is, especially for a couple
11 of the important fleets in this fishery. For
12 example, what is the long-term vision for the
13 longline fleet in the Atlantic outside of doing
14 experiments in the NED where you have to have 100
15 percent coverage, we know we're at about five
16 percent elsewhere, sounds like you want to go to
17 eight. Is eight percent the vision or do you
18 actually have a higher standard that can actually be
19 rationalized? And then I have one quick follow-up.
20 Not just for longline -- but I'm just intrigued that
21 you have a long-term vision for these fleets -- for
22 these fish. That's great. I'd love to hear it.

23 VICKY CORNISH: The long-term vision
24 is more from a national perspective in terms of

1 trying to increase our observer presence in
2 fisheries on a fishery by fishery basis. We're
3 working with the fishery managers and the scientists
4 in each fishery to determine what is the appropriate
5 level of coverage that is required for that fishery.

6 You ask a different person, they're
7 going to give you a different answer. We have 100
8 percent observer coverage in the North Pacific
9 fisheries and in some cases that's enough. They
10 have two observers on board. But they're going
11 beyond the biological sampling questions that we may
12 be very happy to get in the longline fishery, and
13 they're dealing with CDQ, Community Development
14 Quotas, where they're monitoring the haul by haul
15 quota of every vessel.

16 So, it really depends on what the
17 fishery demands are on the observer program and what
18 we're asking the observers to do to provide that --
19 you know, that gap in data. So, it's a very
20 different question depending on the fishery you ask
21 -- the fishery that you want to focus your coverage
22 on.

23 Statistical viability really varies
24 from fishery to fishery, depending on the question.

1 Again, if you're looking at finfish bycatch, you
2 might be able to do five to ten percent coverage and
3 get a good idea of what's -- you know, going
4 overboard. If you're looking at endangered species
5 bycatch or protected finfish bycatch, then you're
6 not going to be very happy with five to ten percent
7 coverage, because it's a rare event. And so you're
8 going to be looking at much greater levels of
9 coverage.

10 If you are looking at compliance
11 monitoring to get down to every single vessel or
12 every single take, to make sure that you're not
13 exceeding incidental take statement or whatever, 100
14 percent coverage may be the only answer.

15 So, in developing that long-term
16 vision, we're trying to work with every fishery to
17 identify what are the questions, but we know that
18 the longer term vision includes the observer program
19 coverage in more fisheries than we have now, in
20 greater levels than we have right now, and in
21 perhaps a different role than the observers are
22 doing right now. But we like to keep them at just
23 the observer role and not get them into compliance
24 monitoring or some kind of an enforcement role that

1 some people would like to see them in.

2 I personally do not -- and I don't
3 believe there's any observer program manager in the
4 U.S. that wants to see an observer in an enforcement
5 role. They're not trained. That's not their
6 background. That's not why we're putting them on
7 boats.

8 DAVID WILMOT: The devil's in the
9 details with all of these fisheries, so until we can
10 sit around this table and actually debate a number
11 and look at the rationale behind that number, it
12 doesn't really go anywhere. So, I think we would
13 all be in agreement enhanced observer coverage is
14 going to be a good thing and the level will depend
15 upon our needs.

16 But we have particular needs here, so
17 I hope this is going to be fairly quickly
18 forthcoming, the details, so that we can debate
19 them. For example, we saw -- you just said that
20 \$300,000 is for the shark drift gillnet fishery.
21 How many boats is that, Chris? Six?

22 MODERATOR CHRISTOPHER ROGERS: It
23 does vary from year to year, but it's probably on --
24 certainly less than ten.

1 DAVID WILMOT: Okay. So, we have
2 less than ten boats that are getting 300,000. The
3 entire bottom longline fishery for sharks has been
4 at about \$150,000 and now it's been increased I
5 believe this year, thank goodness, George Burgess
6 and company have more money, so I believe it's going
7 to be on par about \$300,000.

8 These are the types of -- now we know
9 it's marine mammals that are driving the 100 percent
10 observer coverage during much of the year, but this
11 is the level of debate I wish that we could have
12 around here. For God's sake, buy out five boats and
13 get those boats out of the water and put the
14 \$300,000 where you should be -- can use it to answer
15 important questions.

16 The illogic behind so many of the
17 actions, and yet those aren't the debates that we
18 have sitting around this table. And I think it's
19 incredibly unfortunate. I would rather debate how
20 better to spend \$300,000 and buy out five boats and
21 they're interacting with marine mammals on top of
22 everything else. Now, sometimes I feel we could
23 better use our time. With that, I'll end my time.

24 MODERATOR CHRISTOPHER ROGERS: Okay.

1 We'll have time for one more and I do have the list,
2 so we can pick it up later after John Graves'
3 presentation. So, we'll break right after Nelson.
4 Briefly, Nelson, we'll get two or three minutes and
5 then those who want to participate or listen to the
6 ICCAT discussion at 1 o'clock, otherwise you can
7 come back around 1:15, 1:20 and we'll take up with
8 observers and maybe finish up a little bit on sharks
9 before getting into bluefin. Nelson.

10 NELSON BEIDEMAN: What I have may be
11 -- may open up more than two, three minutes, Chris.
12 Do you want me to get started?

13 MODERATOR CHRISTOPHER ROGERS: Do you
14 want to just cut here then and we'll pick it up
15 later? All right. Have a good lunch. Again, we'll
16 start promptly at 1:00 because John does have a
17 commitment.

18 VICKY CORNISH: Unfortunately, I
19 won't be able to come back after 1 o'clock. So, I'm
20 available to answer any questions you have. I'll
21 leave business cards up on the table and I thank you
22 for --

23 MODERATOR CHRISTOPHER ROGERS:
24 Refrigerator magnets, too, right?

1 VICKY CORNISH: And refrigerator
2 magnets. Get your refrigerator magnets. And please
3 feel free to call me at any time.

4 [LUNCH.]

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK

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In witness whereof, I have set my hand and Notary Seal this 5th, day of July 2002.

PAUL T. WALLACE. Notary Public
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October 3, 2008

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